

# **Report on a Survey of the Indian Garment and Zari/Embroidery Industries**

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In Response to U.S. Department of Labor Identification of Possible  
Child Labor and Forced or Indentured Labor

Prepared for the Apparel Export Promotion Council of India

by Sidley Austin LLP

Based on Surveys Conducted by  
the Northern India Textile Research Association

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**Neither this report nor the survey upon which it is based represents  
the position or views of the Government of India or any department  
or agency of the Indian Government**



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## **I. EXECUTIVE SUMMARY**

The identification of the Indian garment and zari/embroidery industries on two lists issued by the U.S. Department of Labor (DOL) as possibly using child labor or forced or indentured child labor, based on some reports that appeared to be years old and others that were not made publicly available, prompted the primary apparel export association of India, the Apparel Export Promotion Council, to seek its own baseline data on the extent to which those allegations reflect current circumstances. The Council also sought to identify what further steps should be taken by government, business and non-government organizations to remediate any problems detected and to promote continued progress toward the implementation of international norms throughout India's textile and apparel sectors.

A survey was conducted by an India-based research organization in 49 clusters in Delhi, Lucknow and Tirupur and included 36 factories and 59 subcontracting premises (which together employed more than 18,000 workers), 139 family heads, 125 children, 3 NGOs, and 4 labor inspectors. The survey data were independently tabulated by Sidley Austin LLP.

In short, the survey found a very low level of probability that garments made in India are made with child labor or forced or indentured child labor. Children do actively participate in zari production, but this work is being done in the family setting and in conjunction with schooling. This information, substantiated through the provision of specific data, negates the conclusions expressed by the DOL in its two determinations.

### **Survey conclusions at a glance...**

- **No pattern or practice of child labor in formal garment factories or zari subcontracting facilities.**
- **No evidence of forced or indentured child labor.**
- **No evidence of trafficking or indentured labor.**
- **Children learning or performing zari in their homes are attending school.**
- **Inspections and enforcement actions for violations of child labor laws are clearly occurring.**

The survey yielded the following key conclusions:

1. There was no pattern or practice of employing children under the age of 15 in either formal garment factories or zari subcontracting facilities. Child workers were found in the informal home-based work setting, with only the children of the families performing zari-related work, where parent and child alike viewed the work as learning a skill and contributing to the family. Young workers, ages 15 to 18, were found in one factory, but their employment was determined to be legal. The one instance of illegal child labor found involved four child workers, in one subcontractor facility, with the subcontractor professing no knowledge of child labor laws and not subject to monitoring. Those child workers are no longer in that facility.
2. No family surveyed had obtained any loans within the past year for any purpose or had any older loans that were still being repaid. Had any affirmative responses been provided, the possibility of indentured or bonded labor would naturally have followed. Instead, all indications are that where children are working with their families, they are augmenting the family's income and not repaying debts incurred by the family.
3. Immigrant adult labor is common among the factories and subcontractor facilities surveyed, but there was no evidence of trafficking or indentured labor. Thus, with respect to the four child workers, ages 12 and 13, it was determined (by questioning them apart from the employer) that each was paid directly, which strongly suggests that they were neither trafficked nor indentured. As for the young workers, indications are that their employer meets all legal requirements for engaging young workers, including hiring them directly, paying them directly, and allowing freedom of movement, practices inconsistent with the definition of "trafficking."
4. The vast majority of children between the ages of six and 15 performing or learning zari in home-based workshops are attending school. Among 234 children ages six to 18 years of age who are the offspring of family heads interviewed, 202 were currently attending school or had completed their compulsory education. Indeed, indications are that there is widespread recognition among families, even those whose parents had not obtained an education, that education is mandatory and valuable.
5. Inspections, removal of child workers, and prosecutions of factory owners for violation of the child labor laws are clearly taking place in the garment and zari/embroidery industries, indicating that India's laws, policies and enforcement efforts are addressing child labor.

However, the presentation of government data on these activities is not as coordinated or readily publicly accessible as it could be, particularly on a sector by sector basis, which may reduce the ability of local and national level authorities to benchmark their activities and demonstrate their actions.

6. Three NGOs were surveyed, with two expressing concern about trafficked children, particularly in Delhi and in Tirupur. Because these NGOs also work extensively with other industries and our survey identified no specific trafficking or bondage cases, there may be some assumptions that what is or has happened in other industries necessarily also describes the garment and zari industries. Nevertheless, some NGOs acknowledged that the garment industry is responsive to the problem of child labor in India, although they would like to see even greater efforts.

The survey also yielded information on areas where processes could be improved to ensure compliance with the laws against child labor and indentured labor, including trafficking.

The following are the key recommendations in response to the survey results:

### **Key recommendations at a glance...**

- **Increase monitoring at the factory and subcontractor level.**
- **Trade associations should expand their outreach to all textile and apparel facilities, including those serving the domestic market, such as home-based workshops.**
- **The Indian Government should better advertise and track enforcement data, to maximize public awareness.**
- **Business and NGOs should collaborate, with joint seminars, joint advisories and joint grants or scholarships.**

1. More monitoring is needed at the factory and subcontractor level. While there is no doubt that factories serving the export market accept adherence to strict social compliance standards as essential to meeting the requirements of their buyers, factories focused exclusively on the domestic market and subcontractors may be less familiar with the appropriate standards. Both awareness-raising and consistent monitoring must be expanded to these factories and subcontractors. Each subcontractor should understand that the standards to which the factory operates are also the standards by which the subcontractor works.

2. The associations that have been traditionally export-oriented, and which have, among other initiatives, adopted a common compliance code that includes a bar against child labor and issued advisories on preventing and combating child labor in the garment industry supply chain, should expand their membership and outreach (or at least outreach) to include all textile and apparel facilities. This includes those whose production is directed exclusively toward the domestic market, including home-based workshops. That would ensure that the valuable communications services, such as educating producers about markets, technical issues (such as machinery and techniques) and social responsibility, reach smaller businesses who otherwise may remain unaware or believe that international standards are inapplicable to them.

3. The Indian Government and each of the local municipalities should better advertise and track their enforcement actions and coordinate the presentation of the data to ensure public awareness of the commitment to strong enforcement and to facilitate comparisons among jurisdictions. Public dissemination of data, through a centralized website, on the number of inspections or raids, the number of children found/rescued and the prosecutions that followed would have a deterrent effect and would enhance the setting or identification benchmarks for measuring progress over time. Further, presentation of the data in no less than annual increments would permit useful comparisons with prior periods and across jurisdictions of the numbers of actions and follow up activities undertaken.

4. Coordination and collaboration between business and NGOs, based on the common goal of promoting social responsibility across all levels of the supply chain, could do much to reduce the distrust between the two constituencies, to the benefit of India's children. Collaboration could take the form of joint seminars and jointly-issued advisories, as well as the publicizing of factories, subcontractors and home-based workshops that certify their compliance with the labor laws. In addition, the business community and NGOs could provide jointly-granted scholarships for school books and other school-related supplies for children of artisans or even for higher education, to encourage schooling beyond the mandatory minimum compulsory level.



## II. INTRODUCTION

In September 2009, the U.S. Department of Labor (DOL) took two significant actions potentially affecting the Indian apparel industry. First, on September 10, the DOL published a list of 122 products from 58 countries that it “had reason to believe are produced by forced labor or child labor in violation of international labor standards.” A total of 19 products of India were identified, including garments, which have a significant presence in the U.S. market, and zaris, a complex embroidery for which India is renowned but which are not generally sold in the United States. The list was issued under the authority of the Trafficking Victims Protection Reauthorization Act (TVPRA), a law enacted by the U.S. Congress in 2006.

A day later, on September 11, the DOL announced an “initial determination” to update an already existing list of products that the agency “has a reasonable basis to believe might have been mined, produced or manufactured by forced or indentured child labor.” Although the original version of the list, issued in 2001, included only products of Burma (Myanmar), the new proposed list included 29 products from 21 countries, including garments and zaris from India. In July 2010, following a public comment period that ended in December 2009, a final determination list was issued, with Indian apparel and zari/embroidery remaining on the list, notwithstanding several submissions by industry and government reviewing the full panoply of laws, regulations, policies and private sector initiatives to address and eliminate child labor and the underlying causes, including poverty and inadequate opportunities for education. The DOL explanation for its decision was that “information on such efforts alone, without evidence that indicates that the efforts had significantly reduced or eliminated forced or indentured child labor, was not sufficient to remove an item” from the list.<sup>1</sup>

The Apparel Export Promotion Council (AEPC or Council), a trade association operating under the authority of India’s Ministry of Textiles, and responsible for serving the Indian industry in meeting the demands of the global market, responded promptly to the unanticipated announcements. The AEPC sought out guidance on appropriate and proactive steps it could take to verify the accuracy of the allegations and to further support and expand upon its existing initiatives to prevent the use of child labor in apparel-related Indian industries. The survey here is

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<sup>1</sup> 75 Fed. Reg. 42164, 42165 (July 20, 2010).

a key outcome of that guidance. The survey and this report do not represent the position of the Government of India or any department or agency of the Indian Government.

While neither DOL list has legal ramifications for India's garment and zari producers, they do have practical ramifications. In the case of the E.O. 13126 list, which requires an additional certification by a prospective government contractor attesting that a good faith effort was made to ensure no forced or indentured child labor was used to produce procured goods, it is unlikely that U.S. government offices are purchasing Indian-made garments or zari embellishments in any event. But the inclusion of these Indian products on the list of products for which there is a "reasonable basis to believe" they may have been made with child labor or forced or indentured child labor is viewed by the AEPC as raising reputational risks that cannot be disregarded.

A review of the bibliographies issued by the DOL to document the sources of its September 2009 lists indicated that the materials relied upon to cite Indian products ranged from newspaper articles and books to materials and studies (some at the behest of the DOL) prepared by non-government organizations (NGOs), to International Labor Organization reports, U.S. embassy cables (which have not been made available to the AEPC), and U.S. Department of State reports, with a number of the source materials detailing information dating back to 2001.

In consultation with counsel, the AEPC made a decision to implement a multi-faceted action plan. That action plan includes:

- 1) fully identifying the relevant facts, with a focus on those facts that reflect current circumstances and not the past, thereby also addressing the deficiency asserted in the DOL July 20, 2010 determination,
- 2) taking greater responsibility for also influencing what is occurring in facilities serving the domestic Indian market, notwithstanding the AEPC's focus on the export industry, and
- 3) with those facts in hand, developing a pro-active approach:
  - a) to ensure the elimination of illegal child labor in garment related industries, including initiatives to ensure that the rules against child labor and against forced

or indentured labor are known and respected at all levels of production, from home-based subcontracting to the formal factory, and

b) to ensure that viable and meaningful mechanisms are in place to provide children with the education that will boost their long-term employment options and earning potential.

As a first step toward that end, the AEPC commissioned Sidley Austin LLP, a global law firm, to report on the presence of child workers in the garment and zari industries, including the attitudes and practices of employers, families, child workers, labor inspectors, and non-governmental organizations (NGOs) engaged in child labor policy and enforcement. To prepare the report, Sidley Austin proposed to conduct an on the ground survey in India. One goal of the survey was to gather updated and specific information to determine whether instances of child labor (including forced or indentured child labor) in garment manufacturing were isolated or were part of a significant and entrenched pattern or practice, while another was to identify the types and levels of enforcement initiatives to combat, prevent and eradicate child labor. In light of cost limitations and, as importantly, language and cultural concerns, the AEPC elected to have the survey performed by an India-based organization, the Northern India Textile Research Association, NITRA. Sidley Austin, however, took sole responsibility for 1) independently examining and interpreting the survey data, without preconceived conclusions, and 2) developing recommendations to AEPC based on that analysis.

This report contains the findings of the survey, including a review of the raw data and Sidley Austin's objective interpretations of that data, directly responding to the request by the DOL for evidence that efforts to address and eliminate child labor, including forced or indentured child labor, are reducing or eliminating such practices. Further, it proposes additional best practices, above and beyond those already implemented by the AEPC, that support and demonstrate the commitment of the AEPC 1) to promote and maintain child-free workplaces in both the formal and informal sectors, without regard to whether the finished products are destined for the domestic market or markets outside of India, and 2) to support education and social welfare programs needed to ensure that when they enter the workplace, Indian youth have the education and the opportunities necessary to play a productive part in the economy and to take advantage of India's rapid development and growth.

In addition, the outcome of the survey now informs the AEPC's already significant and ongoing efforts to ensure that 1) the industry, including the informal industry comprised largely of home-based workers, is cognizant of the laws against child labor and 2) children are provided with the mandatory and free education promised with the enactment in 2009 of the law mandating free and compulsory education, so that children remain safe and in school until legal working age.

Thus, the survey results should provide the DOL with the information to lead to the removal of garments and zari work from the TVPRA and E.O. 13126 lists.

### **III. SCOPE AND METHODOLOGY OF THE SURVEY**

Surveys in India face challenges of scale. Geography, population size, and population diversity all complicate efforts to standardize research. Researching child labor also involves engagement with individuals and groups of varying education, experience, and interests. To address these issues, the data was obtained through a combination of standardization and customization that yields a representative picture of the role of child workers in the garment and embroidery industries, formal and informal, serving the domestic market and export markets.

The scope of this survey was established by the inclusion of certain apparel products on the TVPRA and Executive Order lists, and further refined based on the bibliographies provided by the DOL with each of the two lists. The objective of the study is to obtain current information on the role of child workers in producing garments and garments requiring surface ornamentation with zari/bead/embroidery (hereinafter “zari”), and by identifying problems, best practices and areas of opportunity, to enable the AEPC to both demonstrate and continue its efforts to address and prevent child labor.

A review of the bibliography materials and other relevant studies and literature reveals that much of the data on child labor is dated: those reports and papers routinely cite source material published three to five years earlier and even rely on information that is over 10 years old. However, with limited time in which to gather information, this survey had to focus on the relatively narrow section of the garment industry cited by the TVPRA and EO lists to obtain a representative picture of the conditions.

#### **A. Products**

The EO and TVPRA lists reported that knitted garments and hosiery, and embroidery and zari work undertaken in India carries a risk of production by child labor, including forced or indentured child labor. No other products were considered within the scope of this survey.

#### **B. Populations Surveyed**

To get a complete picture of child labor in India’s garment industry, the survey scope was expanded beyond participants in the industry—the factories, workshops, and workers and their families—to include non-governmental organizations active in child labor, schools, and

government labor inspectors who respond to complaints and investigate child labor charges.

Thus, the populations surveyed were as follows:

- Factories (that is, industrial level producers) making garments for export or for domestic distribution,
- Subcontractors and home-based workshops producing zari,
- Child workers,
- Families of child workers,
- Non-governmental organizations working with labor and child labor issues,
- Educators, and
- Enforcement personnel, such as inspectors and police officers, responsible for enforcing child labor laws.

### **C. Domestic and Export-Oriented Enterprises**

Child labor was reported by the DOL bibliographies to have been seen in both domestic market oriented operations and in facilities exclusively focused on export. The survey therefore presented a valuable opportunity to gather and compare information from producers exclusively serving the domestic market with the responses of export-oriented manufacturers. Both are bound to compliance with India's strict national laws on child labor, but the business practices of the exporters are often rooted in the social responsibility and quality standards of international buyers. The domestic distributors may not experience external pressure to adhere to the same standards or be subject to the level of outside scrutiny so common in the export industry. As an example, India's labor law allows children over 14 years of age to work in factories under specific conditions. International buyers, however, often require that all workers must be at least 18 years old. The survey presented an opportunity to better understand these differences and how they are managed.

The emphasis placed on social responsibility in the global marketplace has given rise to an industry of compliance oversight ensuring that producers for export adhere not only to national labor standards, but to those of their international clients. Zari and traditional embroidery have an export market (most often expatriate Indian populations) but, as traditional skills, are more commonly destined for domestic consumption. Nevertheless, it is useful to understand how these companies ensure compliance and manage risk areas such as subcontracting. The steps taken by the export sector also may offer insights into "best practices"

that can form the basis for further actions to benefit working children in facilities serving the domestic market.

#### **D. Formal and Non-formal Enterprises**

For purposes of the survey, the target subjects were recognized as falling into both formal and informal sectors.

The production of garments in large quantities is the purview of the formal sector. It requires investment in physical space, facilities and equipment, and generally involves a substantial number of employees. Such enterprises are highly visible and are generally registered with local authorities. As noted, those involved in exporting may also be subject to oversight by various private sector compliance verifiers.

A key challenge of evaluating child labor, however, is the involvement of an informal sector. Handwork such as zari and embroidery is a traditional cultural skill handed down from one generation to another in a family and therefore performed by highly skilled workers. Embroidery and zari are, most particularly, the output of small, often home-based workshops where several generations within one family may work together, handing down artisanal skills. Intermediaries may coordinate these workshops and homes for large production, but the skills still reside in the informal sector. Subcontractors also may be hired by large factories during seasons when the workload is particularly heavy and these subcontractors may be other organized enterprises, or smaller workshops with a particular specialty. These informal producers were a significant target group of the survey.

#### **E. Geographical Scope/Clusters**

The sheer physical size of India forces any survey team lacking unlimited funds and time to make decisions about where representative clusters of activity can be found. The bibliographies of the EO and TVPRA lists were used to identify areas where information could reasonably be presented as representative, while also offering an opportunity to substantially update the information upon which it appears the DOL relied. Three locations were therefore selected because they were identified by the bibliographies as 1) having significant garment and embroidery industries serving both the export and domestic markets and 2) having provided

earlier evidence of child labor or forced or indentured child labor. These are Delhi, Lucknow and Tirupur.

The region around Delhi is a center for production of apparel destined to both the export and domestic markets. It also supports a population of workshops performing embroidery and zari. Delhi figured in the bibliography materials as a location where violations of child labor laws were observed. For purposes of the survey, Delhi was selected as a key location to interview factories (domestic and export), subcontractors and workshops, and families involved in home-based work for each of the products on the EO and TVPRA lists. In addition, some of the most active NGOs involved in child labor issues are located in Delhi, and the Ministry of Labor maintains a team of inspectors who investigate child labor.

Lucknow (Uttar Pradesh) is noted for zari and embroidery. The local Muslim population reportedly passes to their children the patterns used in their families for generations, with parents teaching their children in the home. These family-based enterprises are an important population of children working in India's zari industry. The surveys in Lucknow focused exclusively on home-based zari and beading operations, with interviews of both heads of family and the children of those families.

Tirupur (Tamil Nadu) represents another extreme: it is the site of a large concentration of knitwear producers and as such it draws workers from the surrounding countryside seeking factory employment in an otherwise poor agricultural area. Most of the production is exported and the formal industry is represented by the Tirupur Exporters Association (TEA), a trade association which has responded to the interest of international buyers with some innovative social responsibility programs.

#### **F. Research Organization and Surveyors**

The Northern India Textile Research Association (NITRA) was commissioned by AEPC and India's Ministry of Textiles to conduct the survey activities. NITRA is a research organization addressing the needs of the textile and apparel industry. Its scientific orientation ensured a systematic approach to data collection and analysis. In addition, NITRA has the resources and manpower to execute a survey over a wide geographic region.



NITRA fielded nine surveyors, preparing them for the task with orientation activities, including discussion groups, that combined reference to the ILO's guidelines and interview techniques contained in "National Child Labour Survey Interviewer's Manual," dated 30 September 2008, with review of the objectives of the survey and the survey instruments themselves.<sup>2</sup>

#### **G. Survey Instruments**

The Sidley Austin team collaborated with NITRA to create questionnaires for factories, subcontractors, families, including heads of families and the children in those families who work, and NGOs, which were intended to be responsive to issues raised in the TVPRA and E.O. 13126 bibliographies and specific to the different respondents. NITRA advises that it believes the questionnaires also align with the ILO National Child Labor Survey Questionnaire (July 2007). NITRA created its own surveys for teachers and schools. In response to Sidley Austin's request for statistics on enforcement of child labor laws in the garment and embroidery/zari industries, NITRA issued letters to Indian state and municipal government officials responsible for inspection and enforcement, requesting statistics on their enforcement activities, and arranged interviews with inspectors from each region. In all, seven different questionnaires were used in information gathering.<sup>3</sup>

#### **H. Sample Selection**

The surveyed factories, subcontractors and homes were randomly selected by NITRA's interviewers. NITRA advises that the factories, subcontractors and homes were targeted in such a way as to represent all clusters (49) in each of the three geographic regions selected, as follows:

S. No	Delhi/NCR	Tirupur	Lucknow
1.	Hauz Rani	Dharampuram Road	Thakurganj
2.	Khanpur	Annur Payalam	Noorwadi/Shahadat ganj
3.	Shahpur Jatt	Nallur	Muftiganj/Iqbal Nagar/ Haider Colony
4.	Tuglakabad	Gandhi Nagar	Wazir Bagh

<sup>2</sup> Curricula vitae for surveyors can be found in Appendix C.

<sup>3</sup> Samples of all questionnaires are in Appendix D.

5.	Seelampur	Veerapandi/Palladam Road	Hussainabad
6.	Okhla	Veleampalayam	Kashipur/Sandila
7.	Tilak Nagar	Sherankadu	Tirvani ganj
8.	J.P.Nagar	Surya Nagar	Daulat ganj
9.	Sangam Vihar	Andi palayam	Makkaganj
10.	Patel Nagar	Eetiveerampalayam	Mehboob ganj
11.	Kalkaji	Kongu Main Road	Fazul Nagar
12.	Lajpat Nagar	P.N.Road	Masin Nagar
13.	Uttam Nagar	Karur	
14.	Khajuri Khas	Coimbatore	
15.	Khirki Extn	Def. Lakshmi Nagar	
16.	Noida	Bhagiriti Nagar	
17.	Gurgaon	Karumaram Palayam	
18.		Jai Nagar	
19.		Mangalam Road	
20.		Kasipalayam Main Road	
<b>Total Locations</b>	<b>17</b>	<b>20</b>	<b>12</b>

The non-governmental organizations (3) and schools (2) interviewed are well-known stakeholders in the child labor issue in India. Several were cited in the bibliography materials supporting the DOL lists.

### **I. Data Collection and Analysis**

Most interviews were conducted at the subject's premises or place of work and in many instances two surveyors participated in each interview. Where possible, interviews were private, including separate interviews with family heads and then with the children of those family heads. The survey teams also used focus groups, talking with a number of children together.

There were exceptions to this process, and each is expressly identified in the survey results. Thus, in Tirupur, some surveys were distributed by email to subcontractor factories and returned by email. As a result, no interviewer physically visited the premises or had an opportunity to visually verify the information provided or the conditions present. Four labor inspectors were interviewed, but additional statistical data on inspections and enforcement was collected through written responses NITRA received to its letters to inspection authorities.

**In total, surveys were conducted with ...**

- **36 factories,**
- **59 subcontracting premises,**
- **139 family heads,**
- **136 children,**
- **3 NGOs,**
- **22 teachers, and**
- **4 labor inspectors.**
- **Responses by the factories and subcontractors indicated that they employed a total of more than 18,000 people.**

We note that the interviews with children included 20 interviews of one to three siblings (encompassing a total of 34 children), ten interviews with a total of 11 children ages 15 to 17, plus five focus group interviews of children during which surveyors were able to meet with 87 children who worked in their family homes with their parents and another focus group session with four children who were interviewed together after they were found in a subcontractor facility.

Completed questionnaires were collated by NITRA using Microsoft Office Word database and some information was provided by NITRA in chart form, reflecting the compilation of the information in an Excel spreadsheet. However, NITRA also provided Sidley Austin with English language copies of each of the completed surveys and ultimately Sidley Austin used those translated source materials as the basis for its own compilation and analysis of the data.

Sidley Austin and NITRA exchanged messages over several weeks to clarify areas of ambiguity or apparent internal inconsistencies within particular survey responses or to pursue responses that seemed to offer new insights into the subject matter. In the end, the survey results represent a collective effort.

## **IV. SURVEY FINDINGS**

### **A. Children's work is limited to home settings in the zari industry.**

Despite the focus on geographical areas that the DOL had identified as providing evidence of child labor or forced or indentured child labor in the garment and zari/embroidery industries, this survey did not reveal a pattern or practice of employing children under the age of 15 in either formal garment factories or zari workshops/subcontracting facilities. To the extent that child labor was found, it was, with two exceptions discussed below, in the informal home-based setting, with only the child or children of that artisan family learning and performing zari-related work in addition to attending school. The families clearly view the participation of their children in the art of zari as both contributing to the family and helping their children to learn a traditional artisan skill. Most of the children recognized that their needlework is a skill, with those children who do not enjoy the zari work least likely to view it as a skill. Yet overwhelmingly these children also articulated a responsibility to contribute to the family as the reason they would not quit.

### **B. No forced or indentured child labor was found or suspected.**

To determine whether there was forced or indentured child labor, each of the heads of families, all of whom were involved in zari-related work, was asked whether the family had obtained any loans within the past year for any purpose (such as for meeting essential household expenses, purchasing a vehicle, health related expenses or even to pay for a wedding) or had any older loans that were still being repaid. In every instance, with 139 family heads questioned, the answer was no. Had any affirmative responses been provided, the possibility of indentured or bonded labor would naturally have followed. Instead, all indications are that where there were children working with their families, in their home-based workshops, the children were (in addition to learning a skill) augmenting the family's income, which included the far more substantial amounts the parents were earning through zari work, and not repaying debts incurred by the family.

### **C. No evidence of trafficking of children was identified or suspected.**

While factories and subcontractor facilities were often populated by adult workers who immigrated to the work site and in many instances lived at the premises as well, there was no

evidence that children were working – or living -- at those facilities. There were two exceptions, one of which represented a clear violation of the law, reflecting the need for greater oversight and monitoring of subcontractors, and the other involved the legal employment of young women. Thus, these two instances involved 1) a subcontractor facility in which four child workers were found, ages 12 and 13, and 2) a factory at which young workers, females between the ages of 15 and 18, were employed.

The four child workers were questioned, apart from the employer, and each indicated that while he was not local to the area, he was paid wages directly. The fact that the boys received their own wages strongly suggests that they were neither trafficked nor indentured.

All indications are that the employer of the young women meets all legal requirements for engaging young workers. This includes hiring them directly, paying them directly, allowing freedom of movement, and subsidizing distance learning programs to encourage them to continue their education, all practices inconsistent with the definition of “trafficking.”

**D. Educational opportunities are largely available.**

While there is no question that children are learning and performing zari work in their homes, there also are abundant indications that the vast majority of these children between the ages of 6 and 15 are attending school. For example, encouragingly, among the 191 children ages 6 to 18 years of age who are the offspring of 86 families surveyed in Lucknow, 170 were currently attending school and nine more who were not in school stated that they had completed their compulsory education. Nine children were identified as seeking admission to school, and in each of those instances the children were ages six to eight years. Among another 20 Lucknow families who together accounted for 43 children ages six to 18, 42 of the children were in school or had completed their education.

Further, regardless of whether the parents had received an education – and many of the family heads and their spouses performing zari in their homes either had never attended school or had no more than a primary school level of education – these families recognize the value of having their children receive an education. No child interviewed indicated that he or she had attended, or sought to attend, a vocational school. Instead, most children were enrolled in public schools, government schools, religious schools or NGO schools, in that order, or had completed up to the compulsory minimum level of schooling, or sought admission to a school. Indeed,

indications are that even before the 2009 enactment, and April 2010 implementation, of a new law in India making education free and compulsory for every child from age six through age 14, there was already widespread recognition that education is mandatory and valuable. Most children stated that they started school at the age of five or six years. One family head who stated that he could not afford to send his children to school was the parent of three children, ages 16, 17 and 18, which may reflect the regrettable fact that at the time his children were five or six years old, neither the 2002 amendment to the national constitution that made education a fundamental right for all children ages six through 14 nor the new law were in place. Another survey of a family head who said he had one child between the ages of six and 18 and could not afford to send the child to school did not indicate the child's age. But most children working with their parents indicated that they used part of their earnings to cover school costs, suggesting that even assuming that free schools are available, school supplies might still be among the reasons for families to ask their children to contribute in the family work.

**E. Enforcement is being pursued, but could be better publicized.**

Inspections, removal of child workers, and prosecutions of factory owners for violation of the child labor laws are clearly taking place in the garment and zari/embroidery industries, based on information provided by the responsible labor commissioners and police authorities. However, the presentation of data on these activities could be better coordinated and made more readily available, particularly on a sector by sector basis, increasing the ability of local and national level officials authorities to either benchmark their activities or demonstrate their actions, which also would permit better planning of enforcement activities and serve as a deterrent against violations.

**F. NGOs remain skeptical but acknowledge the garment industry efforts.**

The NGOs participating in the survey expressed a commendable concern for children at work, especially trafficked children, and two of the three NGOs interviewed felt that trafficking is a significant concern in Delhi and in Tirupur. We do not challenge that these situations may exist, but because the NGOs also work extensively with other industries and our survey identified no specific trafficking or bondage cases, there may be some assumptions about such activity in garment and zari production that are based on the NGOs' experience with other

industries. Notably, though, some NGOs acknowledged that the garment industry is responsive to the issue of child labor in India, although they would like to see even greater efforts.

## **V. REVIEW OF THE SURVEY DATA BY CATEGORY**

### **A. Factories**

In initiating this survey, it was anticipated, based on the bibliography documents, that the organized industry might be familiar with the child labor laws and have some mechanisms to assure compliance, either because of personal conviction or to satisfy the requirements of buyers and government inspectors. However, the survey sought to verify the assumption and to update the record on how the factories perceive and respond to child labor issues.

The surveyed factories were from three clusters, in two geographic regions. First, seven factories from the Delhi area were selected, including four from Noida, one from New Delhi, and two from Gurgaon. The largest sample, 29 factories, is from the Tirupur area. Tirupur is noted as a center of export knitwear and, somewhat confusingly, was cited in bibliography materials both for its work to prevent child labor and as a potential risk for products made by child workers. The findings in this survey may clarify the ambiguity.

Review of the surveys of two of the Noida factories revealed that they do not produce garments. Instead, one manufactures handbags and the other scarves. However, because they subcontract for embroidery and printing work, Sidley Austin determined that their input is useful for purposes of this survey.

All 36 factories are registered, most as partnerships, proprietorships, and private limited companies. One factory is a public limited company. Their years in business range from three to over 40 so they represent a reasonably long history of production practices. The smallest factory has only 40 workers and the largest over 3,000, but the majority has between 80 and 200 employees. Collectively, they employ some 16,000 workers. All of the factories except one export and most produce exclusively for export.

The most revealing aspect of the survey was the near-unanimity of responses on employment of child workers. All state that they are familiar with the law and regulations. Only



one factory employs workers under the age of 18: a producer in Coimbatore (Tamil Nadu) with a workforce of 3,282, of whom 700 are young female workers aged 15-18.<sup>4</sup>

However, indications are that the employment of those 700 young female workers is under conditions that comply fully with the law. They are not hired through agents, as trafficked workers would be, and they are paid directly. According to the survey responses, the girls apply to the factory for jobs and are screened by the human resources department. They perform light hand-work in the factory, working only daytime shifts and are allowed to leave in case of illness or emergency. Many of these young workers are migrants and the factory does provide living accommodations, but the workers are allowed to leave at will during non-working hours. The factory also offers training on-the-job and contributes to the cost and availability of distance learning so that the workers can continue their education if they wish.

The factory employing these young workers does not have a labor union (indeed, only 6 of the 36 factories have labor unions), but like many of the large factories without unions there are organized committees of workers with whom management conducts monthly meetings. The management affirms that they know, and comply with, the child labor laws. It is also notable that the company is certified by WRAP, the international social responsibility compliance standard organization.

While 24 factories state that they believe persons should not enter the workforce until age 18, the factory employing the 700 young female workers believes that 16 is an acceptable age to begin work. This is also the age at which most have completed formal school education. The factory indicated that it values completing formal school, but does not see any benefit to hiring workers with more education.

This example illustrates an important aspect of child work in the formal sector: most factories do not want to hire young children, preferring to employ those who have completed their compulsory education. There are differences among the factories, though, with respect to when they believe workers should enter the workforce. Outliers cite age 15 (4 factories) or even 19-20 (3 factories). Most state that the appropriate age for entering the workforce is 18. Six

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<sup>4</sup> The factory states that it employs youth over the age of 16, but because the survey category is “15-18 years of age,” we use that figure here.

factories would like to see more vocational and technical preparation available, but the majority is not seeking additional schooling for those it employs.

The factories in the formal sector are also most likely to have external monitoring occurring on a regular basis. Twenty-four are subject to external monitoring, often by buyers' designated agencies such as Bureau Veritas, SGS, AMARCO and others. Factories in the Tirupur cluster cited the Inspector of Factories as a key monitoring group. Asked what organizations and agencies are best able to manage child labor issue, eight factories in the Tirupur cluster referred again to the Inspectorate of Factories, while 15 felt it was best handled by the private sector through human resources management. It was interesting to note that the five factories in the Delhi cluster all cited government agencies, such as the Ministry of Labour, or the Ministry of Textiles, as appropriate or best. Two factories believe non-governmental organizations should have a major role.

These responses show a high level of awareness and compliance with child labor laws, but the use of subcontractors remains one of the areas of risk in the formal sector. Of the 36 factories sampled, 22 acknowledged that they subcontract certain activities and only three said they did not. (For the seven other factories, the use of subcontracting is not clear, but appears to occur occasionally.) The subcontractors may be smaller workshops, and some may be part of the informal sector, while others (some of which were surveyed and are discussed elsewhere in this report) are registered companies and larger than some of the direct factories. The first principle of ensuring subcontractor compliance is to know the other party. Importantly, only one factory of 36 identified subcontractors through an agent. The most common methods of identifying subcontractors were stated to be through personal contact or peer referral.

All of the factories were asked about subcontracting practices, as a means of identifying whether the smaller producers and workshops who support larger enterprises encounter less oversight than the organized industry. Compliance verification methods varied, but 13 factories said they maintain oversight of subcontractors through visits by a company compliance officer, internal auditors or human resources department. Nine maintain oversight through regular visits by production personnel or other staff. These practices are apparently effective: one factory confirmed that it had discovered young workers, aged between 15 and 18, at a subcontractor. As

the young workers are within the legal working age, no action was taken except to ensure their employment conformed to the factory's compliance code.

The survey is inconclusive as to the impact of social services such as the Welfare Fund; this is a monthly contribution paid by factories in the Tamil Nadu state (e.g., Tirupur), but similar funds exist in other states. Participation is universal, and while some small differences were reported in the calculation of the fee, it is reportedly set by the state government and paid with minimal resistance. Contributions were reported by 25 of the factories and 21 feel that the Welfare Fund is effective. The balance of surveyed factories are unsure. This is in interesting contrast to the three NGOs, two of which stated that they are dissatisfied with the effectiveness of the Welfare Fund. However, because they are administered within the region, variances are to be expected.

None of the Delhi factories participated in the Welfare Fund, but the Gurgaon factories both contribute.

In summary, the organized industry is both aware of the laws regulating employment of children and complies with those laws. It has given consideration to the implications of hiring young workers. None are interested in becoming training centers or schools (although one large factory has training facilities). When pressed, their stated preference is to hire youth who have completed basic formal education. Close to half believe it would help the young workers to receive some technical training as well (although, as the survey of home-based child workers reveals, children are neither receiving nor have a particular interest in vocational training). The presence of external monitors for compliance oversight is well-established and the exporting factories recognize and respond to the concern of their clients for preventing exploitation of children.

## **B. Subcontractors**

### **1. Visited Facilities**

A total of 46 subcontractors responsible for ornamenting garments, including by beading, embroidery, zari and printing, were visited in New Delhi. In one of those subcontractor facilities, four children under the age of 15, all boys, were discovered working. Three were age 12, while one was age 13. The interview with those boys is discussed separately below.

Of the 46 subcontractors, only nine were registered. Five of the registered subcontractors indicated that their finished products are exported. Five other subcontractors also indicated that the garments they ornament are exported, so a total of 10 of the 46 subcontractors are involved in exports. Thirty-six of the subcontractors serve the domestic market exclusively. (The subcontractors either serve the export market or the domestic market; none serve both.) All of the subcontractors ornament woven garments, although ten of the subcontractors also ornament knit garments. Nine of the subcontractors have embroidery machinery – and two of those nine have computerized embroidery machines. (All but one of the subcontractors with embroidery machinery works with both knit and woven garments.)

The number of workers in each subcontracting facility varies from as few as four workers to at most 40 workers. In most instances, the workers are migrants, often from out of the state. All of the workers at 37 of the subcontractors live on the premises. For nine subcontractors, at least some of the workers are local, while for one subcontractor, all of its workers are local. For each of these subcontractors with local workers, the workers do not live on the premises. In addition, for one subcontractor whose workforce is entirely migrant workers, the workers do not live on the premises.

The number of hours worked vary from a low of 48 hours a week to a high of 72 hours a week. However, a number of the subcontractors note that the upper limit of the number of hours worked is dependent on the amount of overtime. There were no unions in any of the subcontractor facilities.

None of the subcontractors pays into the Welfare Fund and indications are that these entities do not know what the Welfare Fund is, with most providing no opinion on the value of the Welfare Fund. (Only one subcontractor expressed the view that the Welfare Fund is effective.)

All but one of the subcontractors asserted that they know about the child labor laws; the one exception was the subcontractor in whose facility the four children under age 15 were found. Asked what the minimum age for working should be, the overwhelming majority of the subcontractors indicated that it should be above 18 years old. However, a few suggested that a person above the age of 15 or 16 should be allowed to work, and two suggested a person should

be at least 20 years old to work. On the other hand, the subcontractor employing the four children under the age of 15 suggested that children should be allowed to work starting at age 10.

Each of the subcontractors was asked what education or training would help children with their work or lives. Many suggested vocational training, but some said formal education would be helpful. A few did not view as education as important (which might reflect their own backgrounds and stands in contrast to the views expressed by family heads) and a number of the heads of the units said they had no idea.

Monitoring to determine compliance was reported in 27 of the subcontractors, with the monitoring identified as having been performed by either or both government officials (including local police or the Labor Department) and buyers and/or exporters, including the contractor that assigned the work to them. But 19 of the subcontractors say that there is no monitoring of their compliance with relevant laws. Asked who they believe is best positioned to effectively manage compliance with child labor laws, most (16) of the subcontractors opined that state government authorities should have that responsibility. However, many others vaguely referred only to “government officials,” without specifying whether they were talking about national or local government, or explicitly stated that the Central Government, including the Ministry of Labor, should have responsibility. A number of the subcontractors responded that both local and central government should be involved in monitoring. But some subcontractors thought that exporters (the contractors from whom they obtained the work) are best positioned to monitor, particularly in addition to government officials. Several subcontractors thought that the exporters alone or in conjunction with the subcontractors could monitor adequately. One subcontractor stated that the subcontractors themselves are best positioned to monitor compliance while another said the “Buyers’ codes of conduct” were sufficient. One subcontractor was of the view that NGOs are best positioned to monitor compliance.

One subcontractor admitted to a prior conviction for the use of child labor. No children were found in that facility during the visit, which employed just four adults. The subcontractor indicated that he had paid a financial penalty for the earlier violation. Three of the subcontractors said they knew of another facility that was prosecuted for child labor, with two saying that the result was that the police arrested the owner and the third saying that the government sent the children home.

## 2. One Subcontractor with Child Labor

The facility in which the four children under age 15 were found also employed 14 adult workers and two young workers, males between the ages of 15 and 18. The head of the unit stated that the child workers and young workers each worked 4 hours a day, whereas the adult workers worked 8 hours a day. The subcontractor reported that the children obtained their positions through referrals by their parents and the wages were paid directly to the children (which the children subsequently confirmed). No schooling was provided for the children by the employer.

In a meeting with the four boys, it was determined that each could read and write. Each stated that he had previously attended school, with two saying that they attended formal school and two stating that they had attended a vocational school. Three said they started school between the ages of 3 and 5 while one said he started school between the ages of 5 and 6. (The question was phrased in terms of those ranges.) Two boys said they had attended school for between 3 and 5 years while two said they had attended school for 5 to 6 years. But none were attending school while working for the subcontractor and only one asserted a desire to go to school. One child said he discontinued school because he (or his family) could not afford it while the other three boys said they were either not interested or were “poor in studies.” Asked why they work, one said it was to supplement family income, two said schooling was not useful for their future, and one said he could not afford school fees. One boy asserted that he had been working for less than one year and the other three boys said they had been working for between 1 and 3 years. Asked how many months a year they work, one boy responded less than one month and the other three said between three and six months a year. All said they had been working with this particular subcontractor for between 0 and 3 years.

The boys each said their jobs were found through their parents, that they (rather than their parents) were paid Rs. 50 to 100 per day, based upon a fixed wage, that they were paid directly, and that they give all or part of the money to their parents. They also get food and free or subsidized housing from the subcontractor, living at the facility. While they do not return home daily, each stated that he is “always” allowed to leave work if ill or needed at home. The boys indicated that their work is limited to needle work, that they do not have any heavy lifting and were not exposed to hazardous or difficult conditions (such as fumes, noise, extreme heat or cold

or abusive behavior such as shouting or beating). But one of the boys said he had thought of quitting, because he wanted to continue his studies. The boys who said they did not think of quitting said they worked to help family members by supplementing the family income.

In response to the discovery of the four boys, NITRA referred the issue to the AEPC for follow up. The Council contacted the Children Welfare Committee of Delhi and informed them of the event. Based upon the Committee's guidance, AEPC further contacted an NGO known as "Butterflies" to request that they also investigate. The Council was subsequently advised that several unannounced spot checks to the embroidery subcontractor facility found no children. While the assumption is that the children were returned to their homes, additional spot checks may be warranted to ensure that the absence of the boys is not merely because the work is not year round. In any event, a new line of communication among the Council, the Children Welfare Committee and the NGO has been established. The three entities are working together to craft an understanding and action plan to collaborate on an institutional mechanism for tracing child labour issues in the garment/zari/embroidery manufacturing units across the country, including the necessary arrangements for prosecution of employers and rehabilitation of the children.

### 3. Written Survey Responses

A second pool of 13 subcontractors located in Tirupur also provided data. Unlike the other subcontractors discussed above, these companies are garment producers that appear to supplement the production of larger factories; they do not merely embellish or finish garments, although some are also embroidery units. All work in the knitwear industry and are registered businesses. All but one have fewer than 100 workers and all cite a 48 hour work week as the standard. Another distinction is that they were not personally interviewed. Instead, NITRA sent factory survey forms to them via email or fax and each completed the form on its own. As a consequence, indications are that some questions, which were identical for factories and for subcontractors, were not always readily understood and the opportunity for follow up and clarification that might have provided relevant responses was not available. We therefore summarize and analyze these surveys separately.

According to their responses, none of these subcontractors employs workers younger than 18, and four of the 13 believe that 19 years is a more acceptable age to join the workforce. Eight

have unions or organized worker committees, and monthly meetings with workers' representatives.

The majority of the subcontractors (nine of 13) report that they are monitored by external parties, with three naming international verification company SGS as one of the monitors. (However, several did not identify the monitors, and it is believed that they were referring to visits by local government inspectors.) It is interesting that eight of the companies further subcontract with known partners for embroidery and beading and report that they employ established oversight methods, including internal audit and periodic visits to ensure compliance. A further sign of their engagement with the industry is participation in the Welfare Fund: nine appear to contribute to the fund established by the Tamil Nadu Labor Welfare Act of 1972. The standard is 21 rupees per worker per month, of which the worker contributes 7 rupees and the factory 14 rupees.

The subcontractors have a mixed perspective on education, with eight feeling the current government standard is adequate for their needs and five agreeing that more education would be positive but without an indication as to what learning or skills would be helpful. While all state they are informed on child labor law and policy, as a group they have no suggestions as to how it could best be administered.

### **C. Families (Heads of Household and Child Workers)**

Families performing zari work were surveyed in Delhi and Lucknow. In Delhi, interviews were conducted with 23 family heads, with the overwhelming majority of families not including child workers. In Lucknow, 116 family heads were interviewed, and then for 20 of those families that included a child worker or young worker, a separate interview was held with those children. In addition, there were five focus groups held with two groups of 20 children, one group of 13 children and two groups of 17 children. Also, there were interviews with 11 young workers, ages 15 through 17, who performed zari work in their Lucknow family homes.

#### **1. Delhi**

Of the 23 family heads interviewed in Delhi, 17 had children between the ages of six and 18. Of those 17 families, children performed zari work in only three of the families, with that work apparently performed in the home. In 16 of those 17 families, the children were in school.



In one of the three families in which a child worked, the child had never attended school (but the child's age was not given). In a second of those three families, the one child, a male now age 18, had attended school through primary grades (in a government school). In both of those instances, the parent stated that the family could not afford school. In the third family, with one child worker, the child, a 15 year old male, attended school (a government school), and had an education through a senior secondary level. The family incomes of these three families were in the bottom half of the 23 families interviewed, with two reporting incomes of Rs. 6,000 and one reporting an income of Rs. 5,000. The incomes from the other 20 families ranged from a high of Rs. 13,000 (one family) to a low of Rs. 4,000 (one family). Overall, the range of incomes was as follows:

Range of Income	Number of Families
Rs. 4,000	1
Rs. 5,000	3
Rs. 6,000	8
Rs. 7,000	4
Rs. 8,000	5*
Rs. 10,000	1
Rs. 13,000	1

\* including one that identified its income as Rs. 8,000 to 9,000 and one that identified its income as Rs. 8,000 to 10,000.

Most of the Delhi families included four or five others who worked, in addition to the head of the family.

Seven of the 17 Delhi families with children had one child, three had two children, four had three children, and three had four children. One of the families with four children had the highest income (Rs. 13,000) even though the spouse was not working (she was identified as a housewife); a total of five family members, presumably in laws or siblings, were listed as working. But notably, that head of family, who described himself as a hand embroiderer, had an education through the senior secondary level and the oldest of the children, age 17, was in college, while the younger three children who ranged in age from seven years old to 14 years old, had completed primary, secondary and senior secondary levels of schooling, respectively.

## 2. Lucknow

In Lucknow, five types of interviews were conducted. The first were interviews with 96 family heads. The second were five focus groups comprised of children from among the families who had been interviewed. The third and fourth were a set of interviews with 20 family heads followed by 20 interviews with their children. (As a result, a total 116 family head interviews were conducted and 107 children were interviewed.) These interviews of family heads and children separately allowed for both identification of trends and an ability to confirm the reliability of the information provided. Finally, we review the interviews with 11 young workers, ages 15 through 17, who performed zari work in their Lucknow family homes.

### *a. Family Heads*

Interviews were conducted with 96 family heads engaged in zari, 86 of whom had children between the ages of six and 18 years of age. Two of the 86 family heads were widowed; in all other instances both the family head and spouse worked. As shown below, most of the heads of household and their spouses themselves had some education, and of the 191 children identified as being between the ages of six and 18, 170 were in school and another nine had completed school through the level required by law. Nine young children, between the ages of six and eight, were reported to be seeking admission to school. Only three children, from one family, were identified as not able to afford school.

Overwhelmingly, the family heads identified the reasons they ask their children to perform zari work with them as: to supplement family income, to learn skills and to continue either “family work” or “family tradition.” It was frequently stated that a good thing about working is that the children are learning a skill and contributing to the family. While most parents did not identify any “bad results” from their child working, six did cite less play time and one raised poor grades. More frequently, parents acknowledged that if their children were not working with them, they would be spending more time playing, studying or helping with household work.

Most of these family heads – 65 of the 96 -- said they knew about child labor laws (with a number of those not knowledgeable nevertheless saying that they believe the laws are effective). Most parents predicted that their children would continue to work for a few

more years, although many declined to predict how long their children would work, or indicated that they expected their children to move on when there is an employer providing a higher wage. One family head said he expected his child to work “forever.”

No. of Lucknow family heads surveyed	96
No. of families with <b>no</b> children 6-18	10
Parents who attended some school	138
Total no. children 6-18	191
No. children 6-18 in school	170
No. of children <b>not</b> in school	21
1. “Seeking admission”	9
2. Cannot afford school	3
3. Completed compulsory education	9
Type of Schools: No. Attending	
1. Public	89
2. Government	42
3. Religious	24
4. NGO	13
5. Other/College	2
No. of families with children seeing education as positive	83
No. of 6-18 year olds working	181
No. of 6-18 year olds NOT working	10

### ***b. Focus Groups of Children***

The surveyors gathered for group interviews five groups of children from among the 86 Lucknow family heads with children. These focus groups varied in size from 20 children to 13 children. We discuss each of these groups separately below.

#### ***Focus Group 1***

The first focus group was comprised of 20 children ranging in age from six years to 13 years, as follows:

Age 6	Age 7	Age 8	Age 9	Age 10	Age 11	Age 12	Age 13
3	1	5	4	1	1	4	1

Twelve were boys; eight were girls. Their family sizes varied from five people to 15 people. Six families included 10 members, while five were composed of nine

members. Of these 20 children, only 11 could read and only nine could write; 11 of the children said they had attended school, with all 11 reporting that they began their educations at age 6 or 7. Of those attending school, three said they were attending formal schools while eight said they were attending informal schools. Six had reached the level of “5<sup>th</sup> class” while the other five said they were in “6<sup>th</sup> to 8<sup>th</sup> class.” However, the nine children who had not yet attended school each stated that they were “seeking admission in the current year.” Although it is not clear from the survey itself, it is possible that the children seeking admission are the nine children between the ages of 6 and 8. But it is also possible that their large families face particular economic pressure, causing the need for additional income to overcome education as a priority or making even small expenditures related to school difficult.

All of the children lived and worked at home and said they performed needlework and worked between two and four hours in day in their homes. Six of the children said they had been working for more than three years, while ten said they had been working for less than a year. No child said he or she had been working for more than five years. Further, while 14 of the children said they perform zari work year-round, three children responded that they worked only three to six months each year while three others said they worked six to nine months a year. In a correlation that appeared repeatedly among the children surveyed, those who enjoyed working said the zari work was not difficult while those who did not enjoy working described the craft as difficult: 14 children enjoyed working and six said they did not. Nevertheless, 16 children felt that the skills they had learned would help them later.

All of the children were compensated on a piece rate, with their wages, ranging from Rs. 500 to Rs. 1,500 per month, paid to their parents. Half of the children said they earned between Rs. 500 and Rs. 1000. Each indicated that he or she was permitted to use some of the money to buy things for themselves. Asked what they would do if they did not work in the home, 13 said they would focus more on studies, 12 said they would spend more time in playing and six said they would find another job.

***Focus Group 2***

A second focus group of 20 children, including four pairs of siblings, included 11 males and 9 females, all of whom were in school. Their families were composed of four to six members. The ages of these children ranged as follows:

Age 8	Age 9	Age 10	Age 11	Age 12	Age 13
1	3	4	5	5	2

Every one of the children could read and write; 17 said they had a formal education while three said they attended a non-formal school. None attended vocational school. Twelve of the children began their education between the ages of 5 and 6. Seven started earlier, between the ages of 3 and 5. Only one child did not start school until age 6 or 7. Ten of the children said they had been in school for 5 to 6 years, while one had been in school for less than three years, another for only three to five years and the other eight children had been in school for six or more years. At the time of the interview, 11 children said they were attending up through the 5<sup>th</sup> class and nine said they were in the sixth to eighth class level.

All of the children performed zari work in their home, with each stating that they work to learn skills and 11 children also saying that they work to support the family income. Eight of the children said they worked less than two hours per day, while 12 said they worked two to four hours a day. Most – 13 – of the children said they had been working for between zero and three years and seven said they had been working for three to five years. Only seven of the children said they worked year-round. The others said they worked one to three months each year (4 children), three to six months a year (4 children) or six to nine months a year (5 children). Eight of the children say they earn Rs. 500 per month while the rest said they earned up to Rs. 1000 per month. All are paid based on a piece rate. Their compensation is paid to their parents, but the children said that their parents permit them to use some of the money to pay school fees, for items for school or to buy things for themselves.

Only four of the children said that they did not enjoy working – and it was likely the same four who said that they found the job difficult. While none of the children said

they thought of quitting, every one of them also said that the reason they would not quit is because they support their family income. Eight said the fact that they are learning a skill precludes their quitting. Asked what they would do if they were not working, 16 said they would help with domestic work, 11 said they would play, and two other children said they would find another job.

### ***Focus Group 3***

A third child worker focus group was composed of six males and seven females between the ages of nine and 13, all of whom work in their family home and also attend school.

Age 9	Age 10	Age 11	Age 12	Age 13
2	4	1	4	2

All of the children could read and write, with six attending a formal school and seven attending a non-formal school. The children began school at the following ages: two started at age three to five, eight started at age five to six, two started at age six to seven, and one started at age seven to eight. Ten children were attending up to the fifth class while three were attending class 6<sup>th</sup> to 8<sup>th</sup>.

The children all stated that they worked to learn skills. Six of the children said they worked less than two hours a day; the other seven children said they worked two to four hours each day. The compensation reported appears to track that, with six children earning Rs. 500 per month and seven earning up to Rs. 1000 per month. None of the children had worked more than three years: two had been working for less than a year, five had been working for between one and two years and six had been working for between two and three years. Six children worked only three to six months a year, one worked six to nine months a year, and six said they worked all year. All said they were paid based on a piece rate. While their compensation was paid to their parents, seven children reported spending some of their money on school fees (7), nine said they paid for items for school and ten bought items for themselves.

Two children who viewed the job as difficult also said they did not enjoy working; the other 11 children said they enjoyed working and did not find the job

difficult. Again, none said they thought of quitting. Asked what would prevent them from quitting, all 13 cited supplementing family income while seven also said learning skills. If they were not working, ten of the children said they would be helping with domestic work and three children said they would find another job.

#### ***Focus Group 4***

A focus group of 17 children, including five sets of siblings, reported that all were in school as well as working with their parents in their homes. The children, nine males and eight females, were eight to 13 years of age:

Age 8	Age 9	Age 10	Age 11	Age 12	Age 13
6	--	1	6	3	1

All of the children could read and write and were attending formal school. Most – nine – started by the age of five, but six said they started between ages five and six, and two children said they started school between the ages of six and seven. Fourteen of the children were in grades up to 5<sup>th</sup> class and the other three were in 6<sup>th</sup> through 8<sup>th</sup> class.

Asked why they work, seven children said it was to supplement their families' income and 11 said it was to learn skills. None of the children said they had worked more than three years. Six said they had been working for less than a year and two indicated that they had been working for less than two years. Again, a fair number of the children reported that they work only part of the year. While four children said they do work year-round, six said they worked less than one month a year, two said they worked between one and three months a year and five said they worked six to nine months a year. Eight children said they work less than two hours a day and nine said they worked two to four hours per day. Seven children said they earned Rs. 500 per month while another seven children said they earned up to Rs. 1000 per month. Three of the children said they earned between Rs. 1001 and 1500 each month. The children's compensation, based on the piece rate, is paid to their parents, but four children indicated that they use some money to pay school fees while nine said they use some money to buy items for school and nine also said that some money went to buy things for themselves.

Seven of the children said that they found the zari job difficult and did not enjoy working; the other ten did not find the job difficult and said they do enjoy working. None said they thought of quitting, with all saying that the supplemental income for their families prevents them from quitting. Eight of the children said that learning skills also precludes them from quitting. If they were not working, 14 children said they would be helping with the domestic work in the home, eight said they would be playing, and one child said he or she would seek another job.

### ***Focus Group 5***

A final focus group of 17 child workers ranged in age from ten to 13, and included six pairs of siblings. All attended school, with 12 saying they attended formal school and five saying that they attended informal school. All were able to read and write and all had begun their schooling between the ages of five and six. Nine children were in school up to the fifth class and the other eight were in 6<sup>th</sup> to 8<sup>th</sup> class.

Each said they worked to learn skills, with seven reporting that they worked less than two hours a day and ten children indicating that they worked two to four hours a day in their homes. Nine of the children have been working for between three and five years; the other eight have been working up to three years. Nine of the children also work 12 months a year, but seven children said they worked between three and six months a year and one child works six to nine months a year. Paid by piece rate, seven children said they earn Rs. 500 per month and ten said they earned up to Rs. 1000 per month. Their wages are paid to their parents, although ten children report that they or their parents use some of that money to pay school fees, 12 say they use the money buy items for school, and ten also buy items for themselves. Significantly, seven of these children stated that they also save some of the money they earn.

None of the children found the zari work difficult and none said they disliked the work. All said they never thought of quitting and said that learning a skill was a reason they would not quit. Seven also said that the supplemental income for their family would prevent them from quitting. If they were not performing zari work in their homes, all of the children said they would be doing domestic household work, and four children said they would find another job.



### *Summary of the Child Focus Groups*

A total of 87 children, 45 males and 42 females, all zari workers in their parents' homes, were interviewed through the five focus groups.

Age 6	Age 7	Age 8	Age 9	Age 10	Age 11	Age 12	Age 13
3	1	12	9	17	14	20	11

Issue	Yes	No
Can read and write	78	9
Attends School	78	9
--So far up to 5 <sup>th</sup> Class	49	
--So far 6 <sup>th</sup> to 8 <sup>th</sup> Class	29	
Works 0-2 Hrs/Day	29	
Works 2-4 Hrs/Day	58	
Works 12 Mos/Year	40	
Has Worked less than 1 Yr	18	
Has Worked 1 - 3 Yrs	47	
Has Worked 3 – 5 Yrs	22	
Works less than 12 Mos/Yr	47	
Zari Is Difficult	19	68
Enjoys Working	68	19

During each focus group, the children also were asked questions designed to identify hazardous conditions in their place of work – their homes -- such as whether they were exposed to extreme hot or cold or to dust or insufficient ventilation or if they had to work underground. None responded yes. In addition, no child said he or she had been subject to verbal or physical abuse, such as being constantly shouted at or beaten.

#### *c. Family Heads and Their Children*

Interviews first with 20 family heads and then with the children of those families provided insight into the family acceptance of zari work as part of a routine that, with only one exception, also included attending school. These families had a total of 43 children between the ages of six and 18, with 42 of those children also attending school or having finished schooling. Interviews with the children determined that 35 of them worked with the adult members of the family in the home zari business. (Only the

children who worked were surveyed, which the survey was able to confirm by asking each child with how many adults and how many children he or she worked in the home.)

The number of hours worked each week by these children varied somewhat by age and whether they had completed schooling (and it appears five had), although most – 13 -- reported that they worked 12 hours per week. Eleven of the children said they worked 18 hours per week, seven said they worked 24 hours/week, one said 30 hours, two said 36-40 hours, and one, a 17-year-old who is among those that had completed compulsory schooling, said 48 hours. The wages each month for the children, with all but one based on a piece rate, varied in accordance with the hours worked, from a low of Rs. 500 to a high of Rs. 2000. In each case, the wages earned by the children were paid to the parents, although the children also consistently indicated that they were permitted to use some of the money for themselves, as well as to “pay school fees” (the phrasing of the survey question).

Not all of the children enjoyed working, however, with only 26 saying they did. Among those expressing an opinion, 16 children said working did not affect their education or time to study, but 12 said their responsibilities did mean less time to study.

The family heads’ aspirations for their children were generally limited, which may reflect their own sparse educational backgrounds. Of the 39 parents (one family head was widowed), 20 had attended school, with 11 having attended through primary grades and nine through secondary grades. There were five heads of household and their spouses who both had never attended school. Asked how long their children would work, five family heads, apparently interpreting the question as referring to work in the home, responded “until better opportunities come” while four others said “a few more years” and four said “forever.” In response to the question “what will the child do if they leave the job,” 19 family heads selected “find a new employer for higher wage,” and one family head distinguished between his son and daughter, saying that his daughter will marry.

The children do have aspirations, though. While any thoughts of quitting are quelled by their sense of responsibility to contribute to the family, many of the children, particularly those above the age of 10, said that if they were not working, they would

spend more time studying. Overall, asked how they would spend their time if they were not doing the family work, 14 children said “play,” 16 said “study,” and three said they would look for another job.

***d. Young Workers in the Family Home***

Interviews were conducted with 11 young workers, nine males and two females, ages 15 through 17, all of whom indicated that they have been performing zari work with their families in their homes for more than five years. Eight could read and write, but three could not, indicating that they had not attended school because they could not afford it. Among those who had attended or were still attending school, two said they were in college, one said he was in secondary school, another said he was in high school, and two others said they had completed their compulsory education. Two others, who had each completed five years of school, said they had left school to help at home in household activities.

Five of the young workers indicated that they work 48 hours per week, four said they work 24 hours per week and one works 36 hours per week. Their weekly wages, which all said were paid to their parents and were based on a piece rate, ranged from a low Rs. 1,200 (a 17 year old female college student, a 17 year old male high school student and 16 year old male who had never attended school) to a high of Rs. 3,000 (a 17 year old male who had completed eight years of school). All said they worked to help support their families. Asked what they would do if they were not working in the family zari craft, five responded that they would get further schooling or pursue higher studies, while five others said they would seek another job and one said he would help in family activities.

**D. NGOs and Educators**

The goal of the survey was to obtain information from primary sources: the employers, workers, their families, and government officials involved in labor enforcement. However, it is recognized that NGOs may have information and insights (or at least views) about lapses in the system and an interest in policy development. The original hope had been to obtain a range of perspectives from NGOs. Unfortunately, the survey team encountered what they perceived as suspicion and reluctance when they began meeting with NGOs. Of the planned 10-14 interviews

in the NGO community, ultimately only three organizations were contacted, in addition to the ILO. Nevertheless, because these three NGOs include some of the most active in child rescue and in policy development, their input appears to be fairly representative. Moreover, the small sample allows easy discussion of the results.

Teachers were a target of opportunity, as one of the NGOs operates a school that includes rescued child workers and it seemed relevant to understand whether and how work affected a child's attendance at school and learning.

### 1. NGOs

The three surveyed NGOs are Global March Against Child Labor and Bachpan Bachao Aandolan (BBA), both headquartered in Delhi, and Unity Mission School of Lucknow, the oldest of the three. Among them they represent a collective 70 years of effort to provide assistance and education to child workers. Global March and BBA work with all industries but note that the exporting industries are garments, carpets and sports equipment. Unity Mission states that it works with children in garment and embroidery/zari workshops.

Global March and BBA reported a virtually identical perspective: both attribute the majority of child labor to trafficking of children, primarily boys in Delhi and Northern India and girls in the south (Tirupur). Both stated unequivocally to the interviewers that rescued children return to school and that these children complete primary school after rescue. To prevent children entering the labor market before completing school, Global March recommends free, quality education. BBA recommends that the children receive stipends for school attendance. Both feel the Welfare Funds are not well administered, but that enforcement actions directed at child labor violations are effective. BBA also notes that the organized garment industry is very responsive to child labor issues, but both BBA and Global March believe that the organized industry should be more "proactive," actively participating in multi-stakeholder initiatives.

Unity Mission School, with 30 years of providing education for rescued child workers in Uttar Pradesh, one of the poorest regions (where BBA is also active), does not cite trafficking as a cause of children entering work in the garment industry. Rather, Unity Mission School believes that children are sent to work by their families, because money is needed. (In fact, this latter perspective aligns with the our conclusions from the survey, although the children are

working in their own homes, and also attending school. One possibility is that organizations, like Global March and BBA, which work with multiple industries are highly aware of trafficking and debt bonding and may affect their perception of the prevalence of such practices in the garment industry. The Unity Mission School, which only works with the garment industry, did not cite trafficking as one of the ways children come to work in the garment industry.

The survey team hoped that the NGO community would have best practices to recommend, or specific initiatives worthy of support. Global March did cite a multi-stakeholder forum, including international brands, manufacturers, trade unions, and NGOs (with ILO participation) as a best practice, but efforts to research this forum yielded no information. The forum was not mentioned by the other NGOs, although BBA is (according to its website) a local partner of Global March, but the AEPC advises that it was invited to a “Garment Stakeholder Forum on Child Labour” on 19 February 2010 in New Delhi, organized by Global March. Global March also has met with AEPC officials.

Thus, the NGO community believes that some children are beginning work at a young age, but they are not uniform in their views as to what brings them in other than poverty. Moreover, there seems to be agreement among the NGOs that the organized industry does take steps to either prevent the hiring of children or to ensure that their employment is within the law. Closer engagement with the organized industry to address the informal industry may be a desirable and likely outcome of this study, as illustrated by the recent discussions between the AEPC and the NGO Butterflies.

The International Labor Organization (ILO) is a critical player in global issues surrounding worker and employer rights, and in many developing countries is highly visible and active in child labor matters. For that reason, its views were sought out. While India-based ILO staff indicated that they were not available for an in-person interview with NITRA, the Director for the Decent Work Team, South Asia and Country Office India, did respond to a written set of questions. In that response, the ILO stated that it has done no direct work with the Indian garment industry related to child labor, although the ILO also noted that the zari/embroidery industry was among the sectors covered by the INDUS child labor program, which ran from 2003-2008. The director explained the ILO views child labor as an issue of region rather than industry, with the possibility that child labor in a region will flow from one industry to another.

However, that view appears unrelated to the home-based work observed for this survey. Given the highly skilled nature of zari production, the opportunities for child workers to transition from other industries into zari production are probably particularly limited.

## 2. Educators

The survey team interviewed 22 teachers for different class/grade levels in two schools in Lucknow. Their experience as teachers ranged from one to 15 years, with over half reporting five or more years instructing children. They also had experience with children who both attended school and work. A strong majority, 16, believes that children would perform better in school if they were not working, but six, nearly 25% -- including teachers with five to ten years' experience -- were unsure whether working affected academic performance. Five of the 22 teachers indicated that it is their view that attendance at school is affected by working. None of the teachers felt that work affected children's behavior or social interaction with their peers. On the other hand, only six teachers believed that working did not negatively affect children's grades (a concern that some family heads and child workers also expressed). The teachers were fairly evenly split on whether working affected children's concentration, with a slight majority feeling it did not.

While the survey of these teachers is not sufficiently detailed or broad in scope to provide conclusive evidence, it suggests an overall perception that children should be encouraged and enabled to complete schooling before entering the workforce, even where that work is in the home. The garment makers also prefer to hire workers over 18 years of age, who have completed school.

## **E. Enforcement Officials**

The survey team interviewed labor inspectors from all three regions, two Delhi inspectors, one from Lucknow, and one from Tirupur. Collectively, the inspectors and their colleagues are responsible for oversight of an nearly 5,000 factories and workshops, by their estimate.

The inspectors report that they visit factories in response to complaints, but in Tirupur and Lucknow they say they may also plan and schedule their own visits with approval from

judicial authority. Visits related to complaints or reports of non-compliance are unannounced, but regularly scheduled visits according to a published schedule are also routine in Tirupur. All the inspectors are accountable for industries other than garments and related activities such as embroidery workshops or homes. Only in Tirupur and Lucknow is the majority of the inspectors' work related to garment production or decoration.

The Delhi region inspectors state that they have not discovered any garment industry violations within the past year, although a collective 58 inspections occurred in the industry out of 60 factories in their specific districts. The Lucknow inspector reported that 23, or approximately 10% of his non-hazardous child labor violations, were in garment-related workshops and that fines were levied and prosecutions launched in court. In Tirupur, which has a very high concentration of garment production, the inspector reported that ten violations during the last year (of 1,215 factories visited) resulted in fines of Rs. 10,000 per violation, under the Child Labour Act of 1986. The children were rehabilitated under the National Child Labour Project.

The inspectors believe that their work is important and that it does deter employers from exploiting child workers; the fines and threat of prosecution discourage violations, and the presence of inspectors increases awareness of the law. All report that their role is to discover the violation and initiate the rescue of the child workers. The Child Welfare Committee in Delhi is responsible for their rehabilitation, including returning them to school; in Lucknow the inspector reportedly shares more of that responsibility. The Tirupur inspector referred to the National Child Labour Project.

The numbers of inspectors per region seem small (e.g., four for 1,000 businesses in Delhi), but it is apparent that they concentrate their efforts on targets already established through complaints launched by workers, individual citizens, unions, and others. The Lucknow inspector did not respond to questions about other inspectors, but in Tirupur, for over 1,700 factories, there are two inspectors. This suggests that resources could be increased. In fact, the Tirupur inspector reports that a vehicle for the child labour squad would facilitate inspections. Despite these caveats, the factories surveyed report regular visits by the authorities. Most important, their presence acts as a deterrent to child labour law violations.

**F. Enforcement Data/Statistics**

Some enforcement statistics were obtained through the survey process, although it is not comprehensive. A letter was sent by NITRA to local Department of Labor offices and local police offices under India's Right to Information Act seeking the number of raids conducted, the number of child workers found and rescued, and the number of prosecutions, convictions and acquittals. Some of the data received, however, does not lend itself to ready tabulation of figures among different jurisdictions, perhaps due to a number of limitations and ambiguities in the request letter. First, that letter referenced only premises involved in "zari and bead work on fabrics and garments." Second, the letter did not clearly ask for data year by year; instead, it sought data for the "previous three years" and the period "2006 till 2009," which could be interpreted as either a three year period (2006, 2007, and 2008) or a four year period including 2006, 2007, 2008 and 2009 – with the latter a preferable term to ensure relatively recent data. While a number of the responses provided a single set of data covering the period "2006 to 2009" (which we suspect is 2006, 2007 and 2008 only), some responses did provide data on an annual basis and included data for 2009. As a result of the possible differences in interpretation by the respondents, it is not appropriate to combine the various pieces of information into a single table. Nevertheless, the documents obtained by NITRA are included in Appendix F.



## VI. EXISTING BEST PRACTICES

The survey and additional research conducted at the request of AEPC confirm that serious progress has been made in addressing—and redressing—child labor, by the government and by the garment industry. The evidence of their commitment to child-free workplaces is apparent and while the survey found children in home-based work situations, the occurrences outside that setting appear anomalous, with actions being taken to sharply curtail illegal child labor when discovered. The formal industry does not engage in trafficking or forced labor, limits the tasks of young workers, and provides training in job skills. It is responsible in efforts to ensure subcontractors adhere to the same principles.

Challenges still exist in excluding children from all economic activities in the garment and embellishment industries, especially in changing the culture of home-based work, but the first step is ensuring that children have the opportunity to participate in school. Our research found reports that between the years 1950 and 2004, gross enrollment in primary school in India increased from 43% to 96%.<sup>5</sup> Clearly, in 2010, schools are increasingly available and the population is increasingly aware of the potential value of education, points confirmed by the survey data.

These gains are not a coincidence. They are the result of policies and actions at the government and private sector levels. Certainly more work is needed to ensure children have the incentive and the opportunity to remain in school at least until age 15. However, the key accomplishments in India are associated with specific initiatives. We have identified as best practices the following elements of the successful work to combat all forms of child labor in India's garment industry.

### 1. Review of Government of India Initiatives<sup>6</sup>

While the history and considerable initiatives of government in India are well known to the AEPC,<sup>7</sup> it is nevertheless worth highlighting the fact that the central government of India as

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<sup>5</sup> Review of Child Labour, Education and Poverty Agenda, India Country Report, Global March Against Child Labour, 2006, at 6.

<sup>6</sup> While we review some of the initiatives of the Government of India, the Government has no position on this report.

<sup>7</sup> For example, we note the AEPC's Written Comment on the US Department of Labor's Notification Pursuant to Executive Order 13126, Annex II, available at [www.regulations.gov](http://www.regulations.gov).

well as individual states have taken a range of actions to address child labor. These initiatives attack both the underlying causes, most particularly poverty and the need for educational opportunities, and have provided strong mechanisms for the enforcement of violations of the laws prohibiting the employment of children, debt bondage and the trafficking of persons. In addition, India has repeatedly expanded what activities are considered illegal.

There are two key provisions contained in India's constitution. First, under Article 24, no child who has not completed his or her 14<sup>th</sup> year may be employed in any factory, mine or any hazardous employment. In accord with the Indian Constitution, the Child Labour (Prohibition and Regulation) Act was enacted in 1986, prohibiting the employment of children who have not completed their 14<sup>th</sup> year in hazardous occupations, and regulates the working conditions in other employment circumstances. In the last five years, the number of industries defined as hazardous has expanded from 18 to 57 and number of occupations covered has increased from seven to 13.

Second, the right to education was added the Indian Constitution as a fundamental right in 2002, entrusting to the States the task of providing free and compulsory education to all children aged six to 14. A new national law enacted in 2009 and implemented earlier this year to mandate the free and compulsory education of all children through age 15 has further advanced that constitutional imperative.

In terms of enforcement of the laws prohibiting the employment of children, debt bondage and trafficking of human beings, there are numerous penal laws. For example, Indian law provides punishment for both persons who engage child labor and persons who arrange or activate the process of child labor. Indian law punishes kidnapping a minor for the purpose of begging and it is illegal to enslave a person, including buying and selling persons. Compulsory labor is also illegal.

The National Child Labor Project (NCLP), which as part of the implementation of the 1986 Child Labour Act, assures education and rehabilitation, is responsible for the mainstreaming into formal education of more than 3.4 million child workers between 2002 and 2007.

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DOL-2009-0002, which reviews in detail the history of Indian Government action (laws, programs, treaties) to address and eliminate child labor.

Under the 1986 Child Labour Act, a detection and enforcement mechanism was established through the designation of the following as inspectors: the Chief Commissioner of Labor, Deputy Commissioners of Labor, Regional Labor Commissioners, Assistant Labor Commissioners, and Labor Enforcement Officers. In addition, under the Juvenile Justice Act, police officers are empowered to conduct raids, verify the age of workers and inspect employment records, as well as to initiate prosecutions of violators of the labor laws.

A 2008 guide published by the Ministry of Labour, entitled Standard Operating Procedure: Trafficking for Forced Labour, is reportedly a key tool to ensure best practices are used in the enforcement of child protection laws and regulations.

## **2. Review of Apparel Export Promotion Council initiatives**

The AEPC has responded to the publication of the two DOL lists with a significant expansion of its longstanding compliance agenda, and has broadened its communication and business education initiatives. The trade association also has re-oriented its focus to reach out to manufacturers serving the domestic market in addition to its traditional membership of globally minded manufacturers and suppliers.

Toward that end, this past summer AEPC embarked on an education campaign to ensure that the entire textile and apparel supply chain recognizes and honors the laws to prevent and combat child labor. A written advisory reviewing the issue and clearly setting out steps companies should take to ensure compliance with the laws against child labor was published and widely circulated, including through a series of seminars. The seminars, held in August 2010, were widely covered in Indian newspapers

In addition, in August 2010, the AEPC updated its compliance code and issued a new document entitled “Common Compliance Code” setting out the standards by which all companies in the textile and apparel supply chain should operate, with specific direction that manufacturers should prohibit engagement with subcontractors that do not meet the same standards the manufacturer must meet.<sup>8</sup> The Code goes well beyond child labor, incorporating a broad set of ethical standards designed to establish a safe and legal culture within companies. With respect to labor, the Code identifies all legal requirements with a listing of the relevant

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<sup>8</sup> The Code is included in the appendices to this report, along with an Advisory issued by the Clothing Manufacturers Association of India, another apparently sizeable trade group in India.

Indian laws, details the standards with respect to child labor – under which no person under the age of 15 years or under the age of completion of compulsory schooling may be employed, with respect to forced labor, harassment or abuse, and discrimination, as well as freedom of association and collective bargaining, hours of work, and wages and benefits. The Code also outlines the health and safety rules and the environmental requirements necessary to be considered compliant under the Code.

Most recently, the AEPC has committed to participate in a multi-stakeholder forum to consider social responsibility issues, which may provide a forum for addressing child labor concerns. Coordinated by Meta-Culture, an organization specializing in dispute resolution and facilitation, the first year pilot, which began in November and will extend through next October, will engage industry, labor unions, NGOs, government and international brands in a progressive dialogue “building consensus on critical issues in the sector and moving these issues beyond status quo.” Five meetings are planned, with four of the meetings set as one-day events and one meeting as a two-day weekend retreat.

### **3. Review of Tirupur Export Association Initiatives**

The members of the Tirupur Exporters Association (TEA) undertake, as part of their membership, to comply with WRAP and SA8000 principles to meet the social standard certifications required to ascertain ethical practices at the supply chains. Since the Tirupur export industry was cited in the media over issues of child labor, it has expanded its outreach to provide greater publicity regarding the legal and social compliance standards to which its members are held. The specific standards of compliance, legal and social, to which the TEA members have committed are available at <http://www.teaindia.org/legal.aspx>. The TEA provides qualifying members with social standards certifications identifying those factories with systematic and ongoing commitments to maintain, monitor, and enforce internationally recognized principles in labor and human rights.

The TEA is also active in supporting alternatives to child labor. Among its activities, the association funds a school with the objective of raising public school education to international standards.

## **VII. ACTION STEPS RECOMMENDED**

### **A. At the Factory, Subcontractor and Home-Based Work Level**

1. Monitoring is a key means of ensuring compliance with the child labor, bonded labor and trafficking laws. While there is no doubt that factories serving the export market accept monitoring as essential to meeting the requirements of their buyers, the survey suggests that there can be improvements in monitoring of subcontractors, so that all subcontractors are monitored. Such improvements should include training/educating subcontractors so that each subcontractor understands that the standards to which the factory operates are also the standards by which the subcontractor works.

2. The associations that have been traditionally export oriented, such as the AEPC and the TEA, should expand their membership to include all textile and apparel facilities, including those whose production is directed exclusively toward the domestic market. Moreover, membership – or at least an affiliation with some of the benefits of membership, such as organized awareness-raising events, newsletters and other information dissemination techniques (such as educational communications or programs) -- should be expanded to subcontractors and home-based workshops. The associations perform a valuable communications service, educating producers about markets, technical issues (such as machinery and techniques) and social responsibility. Expanding that educational message to smaller businesses, possibly in conjunction with NGOs or through multi-stakeholder efforts, would promote the goal of ensuring that children of artisans are permitted to complete their educations and thereby see additional employment opportunities available to them.

### **B. Government Actions Needed**

1. The Indian Government and the local municipalities are missing an important opportunity to better advertise and track their enforcement actions. The very fact that NITRA had to submit written requests for data on the number of inspections or raids, the number of child found/rescued and the prosecutions that followed reveals an unnecessary impediment to both promoting compliance and identifying benchmarks for measuring progress. Such data should be maintained and regularly (such as no less than

quarterly) updated on the websites of each of the local jurisdictions. Further, the data should be presented in no less than annual increments so that the numbers of actions and follow up activities can be readily compared with prior periods and across jurisdictions. Not only would such transparency demonstrate India's progress and commitment to eradicating illegal labor practices (and publicly promote accountability), it should serve as a deterrent, placing employers on notice that their local authorities are taking enforcement steps and therefore compelling them to do more to ensure that they maintain compliance at all times.

2. The information on inspections/raids, rescues, and prosecutions by jurisdiction, and the development of targets for improvement, should be coordinated centrally by national authorities. Thus, while primary responsibility for implementation of the labor laws appears to lie with state and local authorities, a higher level of transparency and accountability for time-based action plans (developed from baseline data and comparisons with other jurisdictions) would ensure that each region achieved its highest enforcement potential.

### **C. Collaborative Initiatives**

1. There should be expanded coordination between business and NGOs, based on the common goal of promoting social responsibility across all levels of the supply chain. Increased dialogue could do much to reduce the distrust between the two constituencies, to the benefit of India's children. Expanded participation in multistakeholder initiatives could promote a common understanding of the actions necessary to ensure that the mandatory free education policy is fully implemented. Both the business community and the NGOs want India to continue its rapid advance in the global economy and for children to aspire to more education and better employment opportunities. A key outcome of such discussions should be defined common priorities, action plans that include the roles each sector will play in achieving the agreed goals, and the methods for tracking progress and results. Among possible initiatives are joint seminars and jointly-issued advisories, as well as the publicizing of factories, subcontractors and home-based workshops that certify their compliance with the labor laws, and providing jointly-granted scholarships for school books and other school-

related supplies for children of artisans or even for higher education, to encourage schooling beyond the mandatory minimum compulsory level.

2. The collection and distribution of the Welfare Funds appears to vary by region. As a result, it is not surprising that knowledge about and views regarding the effectiveness of Welfare Funds also vary. To address this, there should be better coordination among industry, state offices and the NGO community regarding these programs, including identifying obstacles to their collection and distribution and to public awareness of the uses of these funds.

## **APPENDIX A**

### **TERMS OF REFERENCE**

#### **Study of Child Labor in India's Garment Production (Embroidery (zari), and Garments)**

##### **I. Background**

The Trafficking in Victims Protection Reauthorization Act of 2005 and 2008 (TVPRA) requires the U.S. Department of Labor (DOL) to publish an annual list of goods produced with child labor or forced labor. The 2009 list, issued in September 2009, included certain products of India, including embroidery (zari) and garments (such as knitwear and hosiery).

The Apparel Export Promotion Council (AEPC), which represents and provides support to Indian exporters of apparel (some of which also serve the Indian domestic market) as well as to overseas buyers, in collaboration with the Government of India (GOI), has been active in seeking to eradicate child labor and investing in activities to raise awareness of and to enforce the laws, as well as codes of conduct, protecting children. India was one of the first countries to ratify the International Programme on Elimination of Child Labor (IPEC) introduced by the International Labor Organization (ILO) in 1992, and has been prompt in ratifying subsequent conventions and in implementation. Most recently, in 2009, the Right of Children to Free and Compulsory Education Act became law in India. Kerala State was cited in the ILO's 2009 report on the status of child labor eradication efforts as an international model for its highly effective program that returned working children to school. Moreover, in the bibliography of sources that the DOL relied upon to support its inclusion of India's garment sector products on the TVPRA list, are reports by the US State Department and international agencies that acknowledge the progress India has made in the past 10 years. However, there is a clear concern by US Government officials that the progress is insufficient.

AEPC is concerned with this assessment on a number of levels. First, the implications for India's children and youth are serious. The GOI acknowledges that an estimated 12.6 million children are employed in agriculture, manufacturing, hospitality and other commercial and domestic services but the numbers have been shrinking, particularly in export-oriented products such as apparel. AEPC hopes a more accurate understanding of progress, and expectations, will suggest new actions to improve their effectiveness.

Second, there are serious reputational risks for the Indian garment industry as a whole. AEPC recognizes that international apparel buyers adhere to codes of conduct that condemn child labor and expect all of their vendors, and any sub-contractors, to comply with those codes. If India's apparel industry is perceived as perpetuating child labor (or forced labor), legitimate commercial activity will suffer. Sadly, this may harm companies (and their employees) where children are not employed, much less exploited.

Third, review of the documents and reports cited in the TVPRA bibliography raises some questions. For its findings, the DOL has relied upon reports that by its own admission are up to



7 years old. Some of the data that formed the basis for those reports is from an even earlier period, so it is older than 7 years, and conditions are changing fast. Moreover, materials cited by the DOL include conflicting information. “Child labor” is used to describe eight year old children working at home, and 16 year old children legally employed in factories. Interview subjects speak in hypothetical terms about legitimate programs that may be susceptible to abuse, but acknowledge they may also fill an important employment need for youth between the ages of 14 and 18. Abuses may occur, as in any labor market, but the evidence cited gives no insight into the scope.

AEPC has retained the law firm of Sidley Austin LLP (Sidley), in Washington, D.C., to advise the organization on its response to the inclusion of garments, and embroidery, on the 2009 TVPRA list. Sidley requires the services of an Indian counterpart firm to assist in gathering information in India and to obtain accurate and timely data about current conditions. This information can be used in formulating an informed and documented response to the TVPRA list, and to develop an action plan to accelerate progress towards eliminating child labor in India’s garment sector.

The counterpart firm will be asked to conduct surveys of manufacturers, workers, parents, and interested stakeholders who have first-hand knowledge of child labor in the garment industry. The counterpart firm may also be asked to research press reports and studies that update the findings in the TVPRA bibliography.

## **II. Objective**

The objective of the activity is to obtain accurate factual information that will contribute to an informed, objective, timely and well documented response to the decision by the US Department of Labor to include products of India’s garment industry on the 2009 TVPRA list, and guide the development and implementation of policies and programs that will accelerate progress towards elimination of the worst forms of child labor in India.

## **III. Tasks to Complete**

- Review and provide comments on a draft interview format prepared by Sidley Austin
- In conjunction with Sidley, finalize selection of survey sites including New Delhi, Tamil nadu (Tiruppur), and Lucknow (reflecting areas identified by the TVPRA bibliography)
- Develop methodology and resources to conduct surveys in each designated geographical location and product subset
  - Conduct surveys and associated research
  - Collate and analyze information
  - Create a report incorporating statistical findings and anecdotal evidence to clarify existence of and the condition of child workers in India’s garment industry (including establishments serving the domestic market and establishments serving the export market) and enforcement of laws designed to prevent illegal child labor and assure educational opportunities for children

- Identify best practices, and the strengths, weaknesses, opportunities and threats to successful protection of child workers

#### **IV. Work Schedule**

<b>Activity:</b>	<b>Date</b>
<b>Candidate qualifications submitted for review (if necessary)</b>	<b>June 15</b>
<b>Candidate selection finalized</b>	<b>June 20</b>
<b>Survey instrument finalized</b>	<b>June 25</b>
<b>Survey plan prepared by Counterpart</b>	<b>July 9</b>
<b>Survey launched</b>	<b>July 19</b>
<b>Report first draft due</b>	<b>August 25</b>
<b>Report final</b>	<b>September 3</b>

Every effort will be made to accelerate the preparations so that the survey can be launched earlier.

#### **V. Methodology**

The Counterpart will be asked to designate a liaison to coordinate activities with Sidley and its team members and to describe its methodology for data collection and collation.

It is expected that multiple surveyors will participate in data-gathering. Therefore, the survey plan should include the Counterpart's process for training surveyors to ensure consistency and minimize individual bias.

Each interview should follow a protocol to ensure specific information stipulated by Sidley is requested; if a subject declines to answer, that should be noted. Surveys should be conducted in individual sessions wherever possible, although focus groups can be assembled where helpful, such as in gathering information and perspectives from workers, or groups of employers.

Recognizing that there is a considerable time difference between India and Washington D.C., data should be collated using common business software to ensure that Sidley is able to reconfigure information for analysis if necessary without having to wait to reach its Counterpart.

#### **VI. Counterpart Qualifications**

The selected Counterpart organization should have these qualities:

- Knowledge of the garment and textile handicraft industries in India, more specifically the products identified under the TVPRA that are within AEPC's purview
- Ability to collect information in industry clusters in different geographical locations

- Familiarity with social responsibility issues, including prior work with company compliance activities, local ILO office concerns, and knowledge of key NGOs working with child labor abuses
- Knowledge of India's labor law and enforcement protocols related to child labor
- Knowledge of India's laws related to ensuring education for all children ages 6 to 14 years and knowledge of formal and non-formal education facilities
- Experience with information gathering projects of this nature and with presentation of data in a coherent and rational format
- Ability to staff a survey effort, including ability to identify expected qualifications of surveyors

## **APPENDIX B**

### **SURVEY PARAMETERS**

#### **OBJECTIVE:**

The objective of the activity is to obtain accurate factual information that will contribute to an informed, objective, timely and well documented response to the inclusion of Indian garments, particularly knitwear and hosiery, and embroidery (zari) on the September 2009 TVPRA list issued by the US Department of Labor, and that will guide development and implementation of policies and programs that will accelerate progress towards elimination of child labor in India.

#### **SURVEY LOCATION:**

The majority of the child labor concerns described in the bibliography documents relied upon by the DOL to justify including garment related products on the 2009 TVPRA list occurred in three locations. To ensure coverage of the largest and truly representative garment and embroidery manufacturing regions identified by the DOL as including child labor, surveys should be conducted in two to three locations among the following:

Delhi (New Delhi, Kotla, other)

Tamil nadu/Tiruppur

Uttar Pradesh/Lucknow

#### **SURVEY TARGETS:**

Employers, formal sector

Factories producing garments, including particularly knitwear and hosiery (for export and/or domestic market)

Factories contracting (or subcontracting) for garments featuring ornamentation (embroidery, bead work)

Workshops subcontracting to produce garments for factories, or to embroider or provide other value added for garments or textiles (for export and/or domestic market)

Factories hiring young women in sumangali contracting schemes

Employers, informal sector

Workshops subcontracting to factories for embroidery and other support services

Households with children of working age

Child workers (in all levels of the value chain)

Non-employer stakeholders

Labor unions

Educators in formal schools

Educators in schools organized to serve child laborers

NGOs active in child labor monitoring and rescue

Government administrators such as district magistrates with authority over child labor, including enforcement of laws against illegal child labor

### SPECIFIC INFORMATION REQUIREMENTS:

1. Disaggregate the term “child labor” to understand the universe of children employed in the garment and textiles sector producing goods for export or domestic markets, by
  - a. Age (under 10, 10-14, 15-18) (also 6-14, for purposes of **The Right of Children to Free and Compulsory Education Act, 2009**)
  - b. Gender
  - c. Place of work, differentiating home-based work from factory or workshop
  - d. Child in employment, child worker, “worst forms of child labor”
  - e. Whether the employment constitutes a “worst form of child labor”
    - i. the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, that is, “slavery” through failure to compensate for time worked and bonded labor (unreasonable restriction on freedom of movement)
    - ii. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, recognizing that cloth dyeing and cloth weaving have been identified by India as hazardous industries
2. Understand how/why children enter the workforce from the perspective of each stakeholder group (child’s perspective, parent’s perspective, employer’s perspective)
  - a. Knowledge of labor law with respect to child labor
  - b. Sources of child workers (e.g., bonding, agents, parent application, assisting family)
  - c. Retention of child workers
  - d. Career path for child workers
  - e. “If you were not working here what would you do?”
3. Determine how work interfaces with or interrupts education

- a. Education levels of child workers, including whether the education level reached is formal or non-formal
- b. Reasons for not attending school
- c. Potential for combining work and school
  - i. Perceived value of education to child, parent, employer (relevance of curriculum, quality of teaching, perceived impact on future opportunities)
  - ii. Parameters such as age, gender that might influence education decisions
  - iii. Constraints, such as flexibility of hours
- 4. Assess the effectiveness of existing laws and enforcement on child labor
  - a. Resources dedicated to enforcing labor law, and more specifically child labor law
  - b. Prosecutions, convictions and acquittals, fines and other penalties issued, and sentences served, for violations of child labor laws by year (2005-2009)
  - c. Status of “rescued” children over time
    - i. How long do they stay in school
    - ii. When do they return to work
  - d. What options exist to improve the situation
    - i. Who or what body is best positioned to impact child labor in the garment and textiles sector?
    - ii. What actions are most effective? Least effective?
    - iii. What constraints prevent or limit effectiveness
  - e. Assess the existence and use of contributions of employers to Welfare Funds
    - i. Formula for contribution
    - ii. Amount contributed over what period of time
    - iii. Entity responsible for enforcing collection; entity responsible for distribution of funds; oversight of fund
    - iv. Accounting of how funds have been used



## APPENDIX C

<b>NAME:</b>	<b>VIVEK AGARWAL</b>
<b>QUALIFICATIONS:</b>	
1	Bachelor in Textile Technology- 1993
2	Post Graduate Diploma in Business Management –2000
3	Master of Science (by research)- 2008
<b>EXPERIENCE:</b>	<b>17 years</b>
<b>PRESENTLY WORKING AS :</b>	<b>Principal Scientific Officer</b>
<b>RESPONSIBILITIES AND WORK PROFILE:</b>	
<ol style="list-style-type: none"><li>1. Responsibilities include Project Formulation &amp; Implementation, Research, Consultancy, Training and Publications.</li><li>2. Have undertaken 5 research projects &amp; guided 3 Post Graduate (M.Sc-textile &amp; clothing) students.</li><li>3. Presented/Published 4 papers in international/national conferences and journals.</li><li>4. Edited 7 NITRA publications called TABlets</li><li>5. Undertaken 15 consultancy assignments including international assignments.</li><li>6. Introduced 10 professional courses in the area of garment technology at NITRA and developed detailed curriculum for each of those programs.</li><li>7. Involved as faculty in courses offered by NITRA in the areas of apparel design, manufacturing and merchandising.</li><li>8. Conducted 15 training programs and workshops</li></ol>	



<b>NAME: NEERAJ AGARWAL</b>	
<b>QUALIFICATIONS:</b>	
1	Bachelor in Textile Technology - 1991
2	M.S(By Research) - 2008
<b>EXPERIENCE: 19 years</b>	
<b>PRESENTLY WORKING AS : Senior Scientific Officer</b>	
<b>RESPONSIBILITIES AND WORK PROFILE:</b>	
<ol style="list-style-type: none"> <li>Responsibilities include Research Project Formulation &amp; Implementation, Consultancy, Training, and Teaching &amp; Publications.</li> <li>Undertaken 06 MoT sponsored/In-house research projects &amp; guided 04 M.Tech/M.Sc Students.</li> <li>Undertaken 10 consultancy assignments including international assignments.</li> <li>Conducted about 100 technical training programs for various categories of personnel in textile mills including supervisors &amp; managers.</li> <li>Presented/Published 10 papers in international/national conferences and journals.</li> <li>Developed 15 Training Manuals on various spinning machines for the operators, jobbers &amp; supervisors working in the Spinning industry.</li> <li>Involved as faculty in various courses offered by NITRA in the area of yarn manufacturing technology, fabric structure and textile designing software.</li> </ol>	

<b>NAME:</b>	<b>Madan Mohan Tiwari</b>
<b>QUALIFICATIONS:</b>	
1	Bachelor of Science
2	Diploma in Textile Technology
<b>EXPERIENCE:</b>	<b>30 years</b>
<b>PRESENTLY WORKING AS :</b>	<b>Principal Scientific Officer</b>
<b>RESPONSIBILITIES AND WORK PROFILE:</b>	
<ol style="list-style-type: none"> <li>1. Conducted more than 20 training programs and workshops for shop-floor and middle management executives of textile &amp; garment industry.</li> <li>2. Introduced 10 professional programs at NITRA &amp; formulated course material.</li> <li>3. One paper based on “managing excellence through value driven HRD” published in national conference &amp; journal.</li> <li>4. Undertaken 12 consultancy assignments including international assignments.</li> </ol>	

<b>NAME: KRISHAN DEWAN</b>	
<b>QUALIFICATIONS:</b>	
1	Master of Sciences in Computer (M.Sc. CS)-2008
2	Post Graduate Diploma in Business Management –2003
3	Bachelor of Hotel Management - 1999
<b>EXPERIENCE: 11 years</b>	
<b>PRESENTLY WORKING AS : Junior Scientific Officer</b>	
<b>PRESENT JOB RESPONSIBILITIES</b>	
<p>Working as faculty in various courses offered by NITRA on</p> <ul style="list-style-type: none"> <li>➤ Marketing and Merchandising</li> <li>➤ Information Technology</li> </ul>	

Name : **Girish Verma**

Qualification: B.Text.- Textile Technology

Experience:

In Textile Industry- 19 years

In NITRA- 13 years

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Name: **M. K. S. Rathore**

Qualifications: Bachelor of Science

Diploma in Man made Fibre Fabrics

Experience:

In Textile Industry- 13 years

In NITRA- 05 years

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Name: **Jaswant Singh Yadav**

Qualification:

- Intermediate
- Certificate course in Sewing Machine Maintenance

Experience:

In Textile Industry- 08 years

In NITRA- 19 years

Job Profile:

- Taking practical classes on Sewing Machine Maintenance.
- Development of Training Manual on Sewing Machine Maintenance.

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Name: **Gyanendra Kumar Pal**

Date of Birth: 07.08.1962

Qualification: Intermediate

Experience: In Textile Industry- 08 years

In NITRA- 19 years

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Name : **Asif Ali**

Qualification:

- High School
- ITI course in Cutting and Tailoring
- Training on Gerber Software

Experience:

Own Garment Business - 12 years

In NITRA - 05 years

Job Profile:

- Program coordinator for Sewing Machine Operator course.
- Taking practical classes on Cutting, Sewing and Pattern Making in different training programs conducted by NITRA
- Involved in International consultancy on Training of Sewing Machine operators in Ethiopia.

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## Dr. J.V.Rao

### Director, NITRA

Dr. J.V.Rao, Director, NITRA is the former head of Textile Technology Department, Anna University, Chennai. Dr. Rao has done M.Tech in Textile Technology from Madras University and Ph.D from IIT Delhi. Through his illustrious career in Anna University, he put on tireless effort to upgrade the standard of technical education and deliver them to students as a responsible mentor.

Dr. Rao published numerous articles in national and international journals. Apart from guiding Ph.D, M.Tech and B.Tech level projects, he submitted several project reports to Govt. of India and international bodies.

As Director NITRA since March 2001, Dr. Rao emphasized on framing policies and devising strategies for adding value to NITRA's research and other regular services. As a visionary leader, he initiated large scale manpower training activities in NITRA and transformed the organization into a Centre for Excellence. Dr. Rao's wisdom and prudence has helped NITRA make a mark in international arena and handling projects for Indonesia, Ethiopia, Sudan, Nepal and Bangladesh.

Dr. J.Venkata Rao is also an active member of different state, corporate and trade bodies in his tireless pursuit to build up rapport and intensify interaction with the textile and allied industry and the world of technical education for the last thirty-five years.

#### **Career Achievements**

- Rated as the best teacher and researcher
- Technical Trainee 1970-71 in Anglo French Textiles, Pondicherry
- Faculty, Dept. of Textile Tech., Anna (Madras) University, Chennai 1971 - 2001
- As Head of the Department, Anna University (Feb. 1994 to Jan. 2000) streamlined administration, created team spirit, encouraged and guided junior faculty in preparing project reports for financial assistance from various funding agencies.
- As Director, NITRA (Mar.2001- till date) further upgraded NITRA's specialized and value added services in industry oriented R&D, customized technical consultancies, accurate quality evaluation of textiles and other related materials, result oriented HRD activities with special thrust on manpower training for apparel industry, and low cost software development suitable for textile and garment industry.
- Created NITRA Garment Centre - a fully equipped garment division at Ghaziabad to provide total garment technology solution under one roof.
- Guided NITRA to occupy *numero uno* position in tailor-made Energy Conservation and Pollution Control consultancies.

- Guided NITRA for acquiring the prestigious NABL certification for all its laboratories to attain the global standard in textile testing.

### Membership

- Member, Council of Administration - ATIRA, BTRA, SITRA & IJIRA
- Member, Research Advisory Committee- ATIRA, BTRA, SITRA & IJIRA
- FTA, Textile Association (India)
- Member, Ghaziabad Management Association
- Life Member, Institution of Valuers (India)
- Former Member, Technical Advisory Committee, Tamilnadu Industrial Investment Corporation & State Industrial Promotion Corporation, Tamilnadu
- Former Member, Expert Committee, Council of Scientific & Industrial Research, Govt. of India
- Former Chartered Board Member, International Textile Academia (Switzerland)

### Technical Paper Published – About 50

#### Books

Compiled a study report **The Market for Fabrics in Vietnam and Cambodia** for the benefit of fabric manufacturers and exporters operating in India.

Co-authored **Sewing Threads**, a publication in English. The book explains basic requirements and characteristics, types, construction, testing, ticket numbering systems, stitches & seams, needles, sewing problems & remedies, welding & seamless technology and a lot more.

Co-authored **Vastro Ki Rangai, Chapai Evam Finishing**, a publication in Hindi. The book explains various steps of wet processing like preparation, dyeing, printing and finishing of textiles materials. Technologies used for various wet-processing processes are also discussed in this book.

Co-authored a series of 28 technical handbooks called **Textile & Apparel Booklets (TABlets), Garment Processing Series (GaPS)**. The series is compiled keeping in view the need for information required by shop floor personnel and other practicing and aspiring professionals of garment industry.



## APPENDIX D

### Questionnaire for Formal sector (Factory)

**Date of Interview :**

**Place of Interview:**

**Interview Conducted by :**

<b>Q1</b>	<b>Name &amp; address of the Factory</b>			
<b>Q2</b>	<b>Name of the CMD/Unit Head</b>			
<b>Q3</b>	<b>Name &amp; Designation of HR head</b>			
<b>Q4</b>	<b>How long your company been in business?</b>			
<b>Q5</b>	<b>Is your business registered?</b>  <b>What type of license?</b>	<b>a) Yes</b> <b>b) No</b>  <b>c) Public Ltd</b> <b>d) Private Ltd</b> <b>e) Partnership</b> <b>f) Proprietorship</b>		
<b>Q6</b>	<b>Number of machines installed</b>  <b>a) Embroidery machines</b>  <b>b) Sewing machines</b>  <b>c) Garment washing</b>  <b>d) Dyeing &amp; Finishing machines</b>			
<b>Q7</b>	<b>Product details</b>  <b>a) Knitwear</b> <b>    i) Men's Wear</b> <b>    ii) Ladies Wear</b> <b>    iii) Kids Wear</b> <b>b) Woven garments</b> <b>    i) Men's Wear</b> <b>    ii) Ladies Wear</b>	<b>Domestic %</b>	<b>Export %</b>	<b>Total</b>

	<b>iii) Kids Wear</b>			
<b>Q8</b>	<b>% of total garments featuring surface ornamentation i.e. embroidery /bead work /zari /printing work</b>	<b>Produced within the factory</b>	<b>Sub-Contracted</b>	
<b>Q9</b>	<b>Does your company make an “input materials”(such as Trims &amp; Accessories ) used in further manufacture?</b>	<b>a) Yes</b> <b>b) No</b>		
<b>Q10</b>	<b>What tasks are normally sub-contracted?</b>	<b>a) Embroidery</b> <b>b) Bead work</b> <b>c) Zari</b> <b>d) Printing work</b> <b>e) Laundry</b> <b>f) Any other</b>		
<b>Q11</b>	<b>How do you select subcontractors?</b>  <b>How are subcontractors monitored /supervised with respect to employment of Child Worker and other working conditions?</b>	<b>a) Through agent</b> <b>b) Personal contact</b> <b>c) Referral</b> <b>d) Others</b>		
<b>Q12</b>	<b>Total number of workers engaged</b>  <b>a) In your factory</b> <b>b) At subcontractor’s place (s)</b>	<b>Child Worker</b>	<b>Adult</b>	
<b>Q13</b>	<b>Domicile of workers</b>  <b>a) % of Local workers</b> <b>b) % of Migrant workers</b> <b>(i) Within the state</b> <b>(ii) Other states</b>			
<b>Q14</b>	<b>Do you employ workers younger than age 18?</b>	<b>a) Yes</b> <b>b) No</b>		
<b>Q15</b>	<b>If yes, No. of workers between</b>	<b>Boys</b>	<b>Girls</b>	

[illegible]

		<b>c) Not applicable</b>
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<b>Q23</b>	<b>Do you provide Education &amp; on-the-job training facilities to the young worker (age group 15-18 years)</b>	<b>a) Yes b) No c) Not applicable</b>
<b>Q24</b>	<b>How much money company spends on welfare activities including education per worker? (age group 10-18 years)</b>	
<b>Q25</b>	<b>Do you or your company currently pay an assessment for the Welfare Fund?</b>	<b>a) Yes b) No</b>
<b>Q26</b>	<b>How is that assessment calculated? How much do you or your company pay annually?</b>	
<b>Q27</b>	<b>In your opinion, is the Welfare Fund is effective?</b>	
<b>Q28</b>	<b>Is the cost of benefits deducted from workers' wages? If Yes, How much per month?</b>	
<b>Q29</b>	<b>What is the turnover of Child Workers (years/months)</b>	
<b>Q30</b>	<b>If any workers live in your facilities, can they leave during non-work hours? If not, Why not?</b>	<b>a) Yes b) No c) Not applicable</b>
<b>Q31</b>	<b>Are workers allowed to return home for emergencies or illness?</b>	<b>a) Yes b) No</b>
<b>Q32</b>	<b>Are you familiar about labor laws with respect to child labor?</b>	<b>a) Yes b) No</b>
<b>Q33</b>	<b>Do you have labor unions in your factory?</b>	<b>a) Yes b) No</b>
<b>Q34</b>	<b>If Yes, what is the frequency of Meetings/Interaction with them?</b>	
<b>Q35</b>	<b>Is your factory monitored by any organizations to determine compliance? If yes, Which?</b>	<b>a) Yes b) No</b>
<b>Q36</b>	<b>At what age do you think children should</b>	

	<b>be allowed to work?</b>	
<b>Q37</b>	<b>Would you prefer to hire youth with more education?</b>	<b>a) Yes</b> <b>b) No</b>
<b>Q38</b>	<b>What education or training would help children with their work or with their lives?</b>  <b>Is that education or training available to them?</b>	<b>a) Yes</b> <b>b) No</b>
<b>Q39</b>	<b>Could you or your company allow time for young workers to attend school? If so, how is this done?</b>	
<b>Q40</b>	<b>In your opinion, who or what entity is best positioned to ensure effective management of child labor issues?</b>	
<b>Q41</b>	<b>Have your company being ever prosecuted for using child labor or forced labor?</b>	<b>a) Yes</b> <b>b) No</b> <b>c) Not applicable</b>
<b>Q42</b>	<b>If Yes, Was there any</b>	<b>a) Conviction</b> <b>b) Acquittal</b>
<b>Q43</b>	<b>If Conviction, What was the penalty?</b>	
<b>Q44</b>	<b>Are you aware of any others who have been prosecuted for using child/forced labour?</b>	<b>a) Yes</b> <b>b) No</b> <b>c)</b>
<b>Q45</b>	<b>If Yes, What happened?</b>	

## Questionnaire for Subcontractor

**Date of Interview :**

**Place of Interview:**

**Interview Conducted by :**

<b>Q1</b>	<b>Name &amp; address of the Factory</b>			
<b>Q2</b>	<b>Name of the CMD/Unit Head</b>			
<b>Q3</b>	<b>Name &amp; Designation of HR head</b>			
<b>Q4</b>	<b>How long your company been in business?</b>			
<b>Q5</b>	<b>Is your business registered?</b>  <b>What type of license?</b>	<b>g) Yes</b> <b>h) No</b>  <b>i) Public Ltd</b> <b>j) Private Ltd</b> <b>k) Partnership</b> <b>l) Proprietorship</b>		
<b>Q6</b>	<b>Number of machines installed</b>  <b>a) Embroidery machines</b>  <b>b) Sewing machines</b>  <b>c) Garment washing</b>  <b>d) Dyeing &amp; Finishing machines</b>			
<b>Q7</b>	<b>Product details</b>  <b>c) Knitwear</b> <b>iv) Men's Wear</b> <b>v) Ladies Wear</b> <b>vi) Kids Wear</b> <b>d) Woven garments</b> <b>iv) Men's Wear</b> <b>v) Ladies Wear</b>	<b>Domestic %</b>	<b>Export %</b>	<b>Total</b>



	<b>vi) Kids Wear</b>			
<b>Q8</b>	<b>% of total garments featuring surface ornamentation i.e. embroidery /bead work /zari /printing work</b>	<b>Produced within the factory</b>	<b>Sub-Contracted</b>	
<b>Q9</b>	<b>Does your company make an “input materials”(such as Trims &amp; Accessories ) used in further manufacture?</b>	c) Yes d) No		
<b>Q10</b>	<b>What tasks are normally sub-contracted?</b>	g) Embroidery h) Bead work i) Zari j) Printing work k) Laundry l) Any other		
<b>Q11</b>	<b>How do you select subcontractors?</b>  <b>How are subcontractors monitored /supervised with respect to employment of Child Worker and other working conditions?</b>	e) Through agent f) Personal contact g) Referral h) Others		
<b>Q12</b>	<b>Total number of workers engaged</b>  c) In your factory d) At subcontractor’s place (s)	<b>Child Worker</b>	<b>Adult</b>	
<b>Q13</b>	<b>Domicile of workers</b>  c) % of Local workers d) % of Migrant workers (iii) Within the state (iv) Other states			
<b>Q14</b>	<b>Do you employ workers younger than age 18?</b>	c) Yes d) No		
<b>Q15</b>	<b>If yes, No. of workers between</b>	<b>Boys</b>	<b>Girls</b>	

[illegible]

		<b>f) Not applicable</b>
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<b>Q23</b>	<b>Do you provide Education &amp; on-the-job training facilities to the young worker (age group 15-18 years)</b>	<b>d) Yes e) No f) Not applicable</b>
<b>Q24</b>	<b>How much money company spends on welfare activities including education per worker? (age group 10-18 years)</b>	
<b>Q25</b>	<b>Do you or your company currently pay an assessment for the Welfare Fund?</b>	<b>c) Yes d) No</b>
<b>Q26</b>	<b>How is that assessment calculated? How much do you or your company pay annually?</b>	
<b>Q27</b>	<b>In your opinion, is the Welfare Fund is effective?</b>	
<b>Q28</b>	<b>Is the cost of benefits deducted from workers' wages? If Yes, How much per month?</b>	
<b>Q29</b>	<b>What is the turnover of Child Workers (years/months)</b>	
<b>Q30</b>	<b>If any workers live in your facilities, can they leave during non-work hours? If not, Why not?</b>	<b>d) Yes e) No f) Not applicable</b>
<b>Q31</b>	<b>Are workers allowed to return home for emergencies or illness?</b>	<b>c) Yes d) No</b>
<b>Q32</b>	<b>Are you familiar about labor laws with respect to child labor?</b>	<b>c) Yes d) No</b>
<b>Q33</b>	<b>Do you have labor unions in your factory?</b>	<b>c) Yes d) No</b>
<b>Q34</b>	<b>If Yes, what is the frequency of Meetings/Interaction with them?</b>	
<b>Q35</b>	<b>Is your factory monitored by any organizations to determine compliance? If yes, Which?</b>	<b>c) Yes d) No</b>
<b>Q36</b>	<b>At what age do you think children should</b>	

	be allowed to work?	
Q37	Would you prefer to hire youth with more education?	a) Yes b) No
Q38	What education or training would help children with their work or with their lives?  Is that education or training available to them?	c) Yes d) No
Q39	Could you or your company allow time for young workers to attend school? If so, how is this done?	
Q40	In your opinion, who or what entity is best positioned to ensure effective management of child labor issues?	
Q41	Have your company being ever prosecuted for using child labor or forced labor?	d) Yes e) No f) Not applicable
Q42	If Yes, Was there any	c) Conviction d) Acquittal
Q43	If Conviction, What was the penalty?	
Q44	Are you aware of any others who have been prosecuted for using child/forced labour?	d) Yes e) No f)
Q45	If Yes, What happened?	

## Questionnaire for Family Head

**Date of Interview** :

**Place of Interview:**

**Interview Conducted by** :

<b>Q1</b>	<b>Full name &amp; address of head of the family</b>	
<b>Q2</b>	<b>Gender</b>	<b>a) Male</b> <b>b) Female</b>
<b>Q3</b>	<b>Age</b>	
<b>Q4</b>	<b>Marital Status</b>	<b>a) Single</b> <b>b) Married</b> <b>c) Divorced</b> <b>d) Widowed</b>
<b>Q5</b>	<b>Have you ever attended school?</b>  <b>a) Yes</b> <b>b) No</b>	<b>Self</b> <b>Spouse</b>
<b>Q6</b>	<b>Maximum level of school attended</b>  <b>a) Primary</b> <b>b) Secondary</b> <b>c) Senior Secondary</b>  <b>d) College</b>	<b>Self</b> <b>Spouse</b>
<b>Q7</b>	<b>Are you presently working or not working?</b>  <b>a) Yes</b> <b>b) No</b>  <b>If no, skip questions 8-15</b>	<b>Self</b> <b>Spouse</b>

<b>Q8</b>	<b>Main job/task you are performing</b>  <b>a) Self</b> <b>b) Spouse</b>	
<b>Q9</b>	<b>What is the average monthly cash income</b>  <b>(a) from the main work</b> <b>(b) from other sources</b>	
<b>Q10</b>	<b>In addition to main work did you do any other work?</b>  <b>Besides you, how many other members in your family work?</b>	<b>a) Yes</b> <b>b) No</b>
<b>Q11</b>	<b>Why you did not seek work in the recent past?</b>	<b>a) Work seasonally</b> <b>b) Tired of looking for work, believes no suitable work is available</b> <b>c) Lacks employers requirements (training, experience, qualification)</b>
<b>Q12</b>	<b>No. of children in your family</b>  <b>between 6-18 years of age</b>	
<b>Q13</b>	<b>How many of the children are currently in school?</b>	<div style="display: flex; justify-content: space-between;"> <span><b>Age</b></span> <span><b>Gender</b></span> </div>    <b>a) Child 1</b>  <b>b) Child 2</b>  <b>c) Child 3</b>  <b>d) Child 4</b>

Q14	How many years of school did your children complete?  (Primary, Secondary, Senior Secondary, Collage/University)	a) Child 1 b) Child 2 c) Child 3 d) Child 4
Q15	What type of schooling did your children receive?  a) Public School b) Religious School c) NGOs School d) Technical/Vocational School e) Others	a) Child 1 b) Child 2 c) Child 3 d) Child 4
Q16	Why did they leave school?  a) No school/School too far b) Cannot afford c) Family did not allow d) Not Interested/Poor in studies e) Education considered not important  f) To learn a job g) To work for pay h) To contribute in family business i) To help at home in household activities j) Disabled l) Illness m) Too old n) Completed his/her compulsory schooling	Age Reason  a) Child 1 b) Child 2 c) Child 3 d) Child 4
Q17	Did any of your children have left the job and joined the school again?	a) Yes b) No
Q18	Do you think it would help your child to have more years of school?	a) Yes b) No
Q19	If any children between ages 6 and 18 are not in school, what are the reasons?	a) No school/School too far b) Cannot afford



		<b>c) Family did not allow</b> <b>d) Not Interested</b> <b>e) Education not important</b> <b>f) To learn a job</b> <b>g) To work for pay</b> <b>h) To contribute in family business</b> <b>i) To help at home in household activities</b> <b>j) Disabled</b> <b>k) Illness</b> <b>l) Too young</b>
<b>Q20</b>	<b>What are main reasons for asking children to work?</b>	<b>a) Supplement family income</b> <b>b) Help pay family debt</b> <b>c) Help in household enterprise</b> <b>d) Learn skills</b> <b>e) Schooling not useful for future</b> <b>f) Cannot afford school fees</b> <b>g) Child is not interested in schooling</b> <b>h) Others</b>
<b>Q21</b>	<b>How did the children find their work?</b>	<b>a) Through Parents</b> <b>b) Through Agent</b> <b>c) Others(To specify)</b>

<b>Q22</b>	<b>What are the good things about the children working?</b>	<b>a) Learn a skill,</b> <b>b) Contribute to family,</b> <b>c) Educate siblings</b>
<b>Q23</b>	<b>Are there any bad results from the child working?</b>	<b>a) Injury, illness or poor health</b> <b>b) Poor grades in school</b> <b>c) Emotional harassment</b> <b>d) Physical harassment</b> <b>e) Sexual abuse</b> <b>f) Extreme fatigue</b> <b>g) No play time</b> <b>h) No time to go to school</b>

<b>Q24</b>	<b>Are their earnings paid directly to the child, or paid to the parents or others?</b>	
<b>Q25</b>	<b>If the children do not live at home, how far from home is their work place?</b>	
<b>Q26</b>	<b>Has the parent ever seen where the child lives?</b>	<b>a) Yes</b> <b>b) No</b> <b>c) Not applicable</b>
<b>Q27</b>	<b>Is the child allowed to return home, or leave the workplace?</b>	<b>a) Yes</b> <b>b) No</b>
<b>Q28</b>	<b>Have you heard of any employers who treat child workers badly?</b>	<b>a) Yes</b> <b>b) No</b>
<b>Q29</b>	<b>How do you think that happens? Can it be prevented?</b>	
<b>Q30</b>	<b>Are you familiar with laws to protect child workers?</b>	<b>a) Yes</b> <b>b) No</b>
<b>Q31</b>	<b>Do you think the laws are effective and that your working children are safe?</b>	<b>a) Yes</b> <b>b) /No</b>
<b>Q32</b>	<b>How long do you think your child will remain in this job?</b>	
<b>Q33</b>	<b>What will the child do if they leave the job?</b>	<b>(a) Marry</b> <b>(b) Return to school</b> <b>(c) Find a new employer for higher wage</b>
<b>Q34</b>	<b>What would your child do if not working?</b>	
<b>Q35</b>	<b>Did you obtain any loan during the last one year? Or do you have any older loans</b>	<b>a) Yes</b> <b>b) No</b>

	<b>you are still paying?</b>	
<b>Q36</b>	<b>What was the main reason for obtaining the loan?</b>	<b>a) To meet essential household expenditure (Buying food, Child education etc)</b> <b>b) To buy vehicle</b> <b>c) To purchase/construct/repair the house</b> <b>d) To meet health related expenditure</b> <b>e) To open/increase business</b> <b>f) To meet the expenditures on wedding of dependents</b> <b>g) To pay previous loan</b>
<b>Q37</b>	<b>How is the Loan/Debt Repaid?</b>	<b>a) In Cash</b> <b>b) Deducted from wages</b> <b>c) Repaid in Kind</b>
<b>Q38</b>	<b>How is the debt secured?</b>	<b>a) Parent's labour</b> <b>b) Child's labour</b> <b>c) Other assets such as land</b>

## Questionnaire for Child Worker

**Date of Interview :**

**Place of Interview:**

**Interview Conducted by :**

<b>S. No.</b>	<b>Full name of the Child worker with permanent address</b>	<b>Present Address</b>	<b>Place of work &amp; Address</b>	<b>Gender &amp; Age</b>	<b>Marital Status</b>	<b>No. of members in the family</b>
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q5</b>	<b>Q6</b>
<b>1</b>						
<b>2</b>						
<b>3</b>						
<b>4</b>						
<b>5</b>						

	<b>Serial no. in Q1</b>					
<b>Q7</b>	<b>Can you read mother tongue/any language?</b>  a) Yes b) No					
<b>Q8</b>	<b>Can you write mother tongue/any language?</b>  a) Yes b) No					
<b>Q9A</b>	<b>Have you ever attended school?</b>  a) Yes b) No <b>If Yes, Which School?</b>					
<b>Q9B</b>	a) Formal b) Vocational c) Non-Formal					
<b>Q10</b>	<b>If yes, at what age did you begin your schooling?</b>					
<b>Q11</b>	<b>If no, why have you never attended school?</b>  a) No school/School too far b) Cannot afford c) Family did not allow d) Not Interested e) Education not important f) To learn a job g) To work for pay h) To contribute in family business i) To help at home in household activities j) Disabled k) Illness l) Too young					
<b>Q12</b>	<b>Are you attending any school presently?</b>  a) Yes b) No					

	<b>Serial no. in Q1</b>					
<b>Q13</b>	<b>If yes, what is the level of school you are attending?</b>  <b>a) Primary</b> <b>b) Secondary</b> <b>c) High School</b> <b>d) College/University</b>					
<b>Q14</b>	<b>If no, what is the main reason for leaving the school?</b>  <b>o) No school/School too far</b> <b>p) Cannot afford</b> <b>q) Family did not allow</b> <b>r) Not Interested/Poor in studies</b> <b>s) Education considered not</b> <b>t) important</b> <b>u) To learn a job</b> <b>v) To work for pay</b> <b>w) To contribute in family business</b> <b>x) To help at home in household</b> <b>y) activities</b> <b>z) Disabled</b> <b>aa) Illness</b> <b>bb) Too old</b> <b>cc) Completed his/her compulsory schooling</b>					
<b>Q15</b>	<b>How many years of school you have finished?</b>  <b>a) Primary</b> <b>b) Secondary</b> <b>c) High School</b> <b>e) College/University</b>					
<b>Q16</b>	<b>Have you ever attended a vocational/skill training course out side of school?</b>  <b>a) Yes</b> <b>b) No</b>					
	<b>Serial no. in Q1</b>					
<b>Q17</b>	<b>Have you /will obtain a certificate for</b>					

	<b>this vocational training?</b>					
	a) Yes b) No					

	<b>Serial no. in Q1</b>					
<b>Q18</b>	<b>Place of work</b>  a) Home b) Outside <ol style="list-style-type: none"> <li>1. Factory</li> <li>2. Workshop</li> </ol>					
<b>Q19</b>	<b>Describe the job/task you are performing.</b>					
<b>Q20</b>	<b>Are you aware of the skills required in your job?</b>  a) Yes b) No					
<b>Q21</b>	<b>How many hours do you work each week?</b>					
<b>Q22</b>	<b>Do you have any household/farming activity that you will return to?</b>					
<b>Q23</b>	<b>Total years of working</b>  a) 0-3 years b) 3-5 years c) Above 5 years					
<b>Q24</b>	<b>How long have you worked for your current employer?</b>  a) 0-3 years b) 3-5 years c) Above 5 years					



<b>Q25</b>	<b>How many others work with you?</b>  a) No. of Adult Workers b) No. of Child Workers					
<b>Q26</b>	<b>How did you find the job</b>  a) Through Agent b) Through Parents c) Self Application					
<b>Q27</b>	<b>Is the job difficult for you?</b>  a) Yes b) No					
<b>Q28</b>	<b>Do you enjoy working?</b>  a) Yes b) No					
<b>Q29</b>	<b>Do you think you will learn skills that will help you later?</b>  a) Yes b) No					
<b>Q30</b>	<b>How much do you earn?</b>  a) per day b) per month					
<b>Q31</b>	<b>Are you paid directly?</b>  a) Yes b) No					
<b>Q32</b>	<b>If not, who receives the pay?</b>  a) Agent b) Parents					
<b>Q33</b>	<b>How is it calculated?</b>  a) Piece rate b) Fixed Wages & overtime					
<b>Q34</b>	<b>What other benefits do you usually receive from your work</b>  a) Medical assistance b) Education assistance c) Food d) Clothing e) Free/subsidized accommodation					

	<b>f) Transportation</b> <b>g) Time off to attend school</b> <b>h) None</b>					
<b>Q35</b>	<b>What do you usually do with your earning?</b>  <b>a) Give all/part of money to my parents/guardians</b> <b>b) Employer gives all/part of money to my parents/guardians</b> <b>c) Pay my school fees</b> <b>d) Buy things for school</b> <b>e) Buy things for household</b> <b>f) Buy things for myself</b> <b>g) Save</b> <b>h) Others</b>					
<b>Q36</b>	<b>Why do you work?</b>  <b>a) Supplement family income</b> <b>b) Help pay family debt</b> <b>c) Help in household enterprise</b> <b>d) Learn skills</b> <b>e) Schooling not useful for future</b> <b>f) Sold by the parents</b> <b>g) School too far/no school</b> <b>h) Cannot afford school fees</b> <b>h) Not interested in school</b>					
<b>Q37</b>	<b>Do you return home daily?</b>  <b>a) Yes</b> <b>b) No</b>					
<b>Q38</b>	<b>If no, how often?</b>					
<b>Q39</b>	<b>If yes, how far is it from work?</b>					
<b>Q40</b>	<b>Are you allowed to leave work if you are ill or needed at home?</b>  <b>a) Always</b> <b>b) Sometimes</b> <b>c) Never</b>					

<b>Q41</b>	<b>How work interrupts education?</b>					
<b>Q42</b>	<b>Does your work allow any time for school?</b>  <b>a) Yes</b>  <b>b) No</b>					
<b>Q43</b>	<b>Do you want to go to school?</b>  <b>a) Yes</b> <b>b) No</b>					
<b>Q44</b>	<b>Did you have any kind of illness/injury during the last year?</b>  <b>a) Yes</b> <b>b) No</b>					

<b>Q45</b>	<b>If yes, nature of injury</b>  <b>a) Serious</b> <b>b) Non-Serious</b>					
<b>Q46</b>	<b>If serious, how did it affect your work/schooling?</b>					
<b>Q47</b>	<b>Do you carry heavy loads at work?</b>  <b>a) Yes</b> <b>b) No</b>					
<b>Q48</b>	<b>Do you operate any machine/heavy equipment at work?</b>  <b>a) Yes</b> <b>b) No</b>					
<b>Q49</b>	<b>What type of tool, equipment or machines do you use at work?</b>					
<b>Q50</b>	<b>Are you exposed to any of the following at work?</b>					

	a) Dust & fumes b) Fire, gas, flames c) Loud noise, vibration d) Extreme cold or heat e) Dangerous tools f) Work underground g) Work at height h) Insufficient ventilation i) Chemicals(pesticides, glues) l) Explosive					
Q51	Have you ever been subject to the following at work?  a) Constantly shouted at b) Repeatedly insulted c) Beaten/Physically hurt d) Sexually abused					
Q52	Have you ever thought of quitting this job?  a) Yes b) No					
Q53	If yes why?  If No why not?					

Q54	What would prevent you from quitting this job?					
Q55	If you did not have this job, how would you spend your time?					

**Questionnaire for Child Workers**  
**(Focus Group)**

**Date of Interview :**

**Place of Interview:**

**Interview Conducted by :**

Number of Child Workers in the Focus Group Interview

**Purpose: Q 1 to Q 6: The purpose of Q1 to Q6 is to collect information about the Child Workers and their families.**

<b>S. No.</b>	<b>Place and Address of work</b>	<b>Full name of the Child Worker with permanent residential address</b>	<b>Present Residential Address</b>	<b>Gender &amp; Age</b>	<b>Marital Status</b>	<b>No. of members in the family</b>
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q5</b>	<b>Q6</b>
<b>1</b>						
<b>2</b>						
<b>3</b>						
<b>4</b>						
<b>5</b>						
<b>6</b>						
<b>7</b>						
<b>8</b>						
<b>9</b>						
<b>10</b>						

<b>S. No.</b>	<b>Place and Address of work</b>	<b>Full name of the Child Worker with permanent residential address</b>	<b>Present Residential Address</b>	<b>Gender &amp; Age</b>	<b>Marital Status</b>	<b>No. of members in the family</b>
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q5</b>	<b>Q6</b>
<b>11</b>						
<b>12</b>						
<b>13</b>						
<b>14</b>						
<b>15</b>						
<b>16</b>						
<b>17</b>						
<b>18</b>						
<b>19</b>						
<b>20</b>						

<b>Purpose of Q 7&amp; Q 8: To collect information on how many of child workers can read/write mother tongue/any language.</b>		
<b>Q7</b>	<b>How many of child workers can read mother tongue/any language?</b>	<b>No. of Child Workers</b>  Can read -----  Cannot read -----
<b>Q8</b>	<b>How many of child workers can write mother tongue/any language?</b>	<b>No. of Child Workers</b>  Can write -----  Cannot write -----
<b>Purpose of Q 9&amp; Q 18: To collect information on various aspects related to schooling.</b>		
<b>Q9 A</b>	<b>How many of the child workers have ever attended the school?</b>	<b>No. of Child Workers</b>  Have attended-----  Have never attended-----
<b>Q9 B</b>	<b>If Yes, what type of school have the child workers attended?</b>	d) Formal ----- e) Vocational ----- f) Non-Formal -----



<b>Q10</b>	<b>At what age did the child workers begin their schooling?</b>	<table border="0"> <tr> <td><b>Age</b></td> <td><b>No. of Child Workers</b></td> </tr> <tr> <td>3-5 yrs -----</td> <td></td> </tr> <tr> <td>5-6 yrs -----</td> <td></td> </tr> <tr> <td>6-7 yrs -----</td> <td></td> </tr> <tr> <td>7-8 yrs -----</td> <td></td> </tr> <tr> <td>&gt; 8 yrs -----</td> <td></td> </tr> <tr> <td>Not Applicable -----</td> <td></td> </tr> </table>	<b>Age</b>	<b>No. of Child Workers</b>	3-5 yrs -----		5-6 yrs -----		6-7 yrs -----		7-8 yrs -----		> 8 yrs -----		Not Applicable -----															
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<b>Q11</b>	<b>What are the main reasons for the Child Workers for having <u>never attended</u> the school?</b>	<table border="0"> <tr> <td><b>Reason</b></td> <td><b>No. of Child Workers</b></td> </tr> <tr> <td>n) No school/School too far</td> <td>.....</td> </tr> <tr> <td>o) Cannot afford</td> <td>.....</td> </tr> <tr> <td>p) Family did not allow</td> <td>.....</td> </tr> <tr> <td>q) Not Interested</td> <td>.....</td> </tr> <tr> <td>r) Education not important</td> <td>.....</td> </tr> <tr> <td>s) To learn a job</td> <td>.....</td> </tr> <tr> <td>t) To work for pay</td> <td>.....</td> </tr> <tr> <td>u) To contribute in family business</td> <td>.....</td> </tr> <tr> <td>v) To help at home in household activities</td> <td>.....</td> </tr> <tr> <td>w) Disabled</td> <td>.....</td> </tr> <tr> <td>l) Illness</td> <td>.....</td> </tr> <tr> <td>m) Too young</td> <td>.....</td> </tr> <tr> <td>n) Others</td> <td>.....</td> </tr> </table>	<b>Reason</b>	<b>No. of Child Workers</b>	n) No school/School too far	.....	o) Cannot afford	.....	p) Family did not allow	.....	q) Not Interested	.....	r) Education not important	.....	s) To learn a job	.....	t) To work for pay	.....	u) To contribute in family business	.....	v) To help at home in household activities	.....	w) Disabled	.....	l) Illness	.....	m) Too young	.....	n) Others	.....
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n) Others	.....																													

<b>Q12</b>	<b>At present, how many of the Child Workers are attending school?</b>																											
<b>Q13</b>	<b>What is the level of school Child Workers in Q12 are attending?</b>	<table border="1"> <thead> <tr> <th><b>Level of school</b></th><th><b>No. of Child Workers</b></th></tr> </thead> <tbody> <tr> <td><b>Upto 5<sup>th</sup> class</b></td><td>.....</td></tr> <tr> <td><b>Class 6<sup>th</sup> to 8<sup>th</sup></b></td><td>.....</td></tr> <tr> <td><b>Class 9<sup>th</sup> and 10<sup>th</sup></b></td><td>.....</td></tr> <tr> <td><b>Class 11<sup>th</sup> and 12<sup>th</sup></b></td><td>.....</td></tr> <tr> <td><b>Above Class 12<sup>th</sup></b></td><td>.....</td></tr> </tbody> </table>	<b>Level of school</b>	<b>No. of Child Workers</b>	<b>Upto 5<sup>th</sup> class</b>	.....	<b>Class 6<sup>th</sup> to 8<sup>th</sup></b>	.....	<b>Class 9<sup>th</sup> and 10<sup>th</sup></b>	.....	<b>Class 11<sup>th</sup> and 12<sup>th</sup></b>	.....	<b>Above Class 12<sup>th</sup></b>	.....														
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<b>Class 11<sup>th</sup> and 12<sup>th</sup></b>	.....																											
<b>Above Class 12<sup>th</sup></b>	.....																											
<b>Q14</b>	<b>What were the main reasons for the Child Workers to discontinue the studies?</b>	<table border="1"> <thead> <tr> <th><b>Reason</b></th><th><b>No. of Child Workers</b></th></tr> </thead> <tbody> <tr> <td><b>dd) No school/School too far</b></td><td>.....</td></tr> <tr> <td><b>ee) Cannot afford</b></td><td>.....</td></tr> <tr> <td><b>ff) Family did not allow</b></td><td>.....</td></tr> <tr> <td><b>gg) Not Interested/Poor in studies</b></td><td>.....</td></tr> <tr> <td><b>hh) Education considered not Important</b></td><td>.....</td></tr> <tr> <td><b>ii) To learn a job</b></td><td>.....</td></tr> <tr> <td><b>jj) To work for pay</b></td><td>.....</td></tr> <tr> <td><b>kk) To contribute in family business</b></td><td>.....</td></tr> <tr> <td><b>ll) To help at home in household Activities</b></td><td>.....</td></tr> <tr> <td><b>j) Disabled/Illness</b></td><td>.....</td></tr> <tr> <td><b>j) Too old</b></td><td>.....</td></tr> <tr> <td><b>k) Completed his/her compulsory schooling</b></td><td>.....</td></tr> </tbody> </table>	<b>Reason</b>	<b>No. of Child Workers</b>	<b>dd) No school/School too far</b>	.....	<b>ee) Cannot afford</b>	.....	<b>ff) Family did not allow</b>	.....	<b>gg) Not Interested/Poor in studies</b>	.....	<b>hh) Education considered not Important</b>	.....	<b>ii) To learn a job</b>	.....	<b>jj) To work for pay</b>	.....	<b>kk) To contribute in family business</b>	.....	<b>ll) To help at home in household Activities</b>	.....	<b>j) Disabled/Illness</b>	.....	<b>j) Too old</b>	.....	<b>k) Completed his/her compulsory schooling</b>	.....
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Q15	How many total number of years have the Child Workers spent in the school?	<table> <tr> <th>Years in school</th><th>No. of Child Workers</th></tr> <tr> <td>3-5 yrs :</td><td>.....</td></tr> <tr> <td>5-6 yrs :</td><td>.....</td></tr> <tr> <td>6-7 yrs :</td><td>.....</td></tr> <tr> <td>7-8 yrs :</td><td>.....</td></tr> <tr> <td>&gt; 8 yrs :</td><td>.....</td></tr> <tr> <td>Not applicable:</td><td>.....</td></tr> </table>	Years in school	No. of Child Workers	3-5 yrs :	.....	5-6 yrs :	.....	6-7 yrs :	.....	7-8 yrs :	.....	> 8 yrs :	.....	Not applicable:	.....
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6-7 yrs :	.....															
7-8 yrs :	.....															
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Not applicable:	.....															
Q16	How many of the Child Workers have attended/attending a vocational/skill training course outside of school?	<table> <tr> <th colspan="2">No of Child workers</th></tr> <tr> <td>Attended</td><td>.....</td></tr> <tr> <td>Attending</td><td>.....</td></tr> <tr> <td>Not applicable</td><td>.....</td></tr> </table>	No of Child workers		Attended	.....	Attending	.....	Not applicable	.....						
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Q17	How many of the Child Workers have obtained/will obtain a certificate for the vocational training?	<table> <tr> <th colspan="2">No. of Child Workers</th></tr> <tr> <td>Have obtained</td><td>.....</td></tr> <tr> <td>Will obtain</td><td>.....</td></tr> <tr> <td>Not Applicable</td><td>.....</td></tr> </table>	No. of Child Workers		Have obtained	.....	Will obtain	.....	Not Applicable	.....						
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Q18	How many of the Child Workers want to go to school?	<table> <tr> <th>No. of Child Workers</th></tr> <tr> <td>.....</td></tr> </table>	No. of Child Workers	.....												
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<b>Purpose of Q 19 to 30: To understand Work Related aspects of Child Workers</b>		
<b>Q19</b>	<b>What is the total number of workers (Adult &amp; Child) working in the factory/ subcontractors/home?</b>	<b>No. of Adult Workers</b>  <b>No. of Child Workers</b>
<b>Q20.</b>	<b>Ask the Child Workers, why do they work?</b>	<b>No. of Child Workers</b>  i) Supplement family income ..... j) Help pay family debt ..... k) Help in household enterprise ..... l) Learn skills ..... m) Schooling not useful for future ..... n) Sold by the parents ..... o) School too far/no school ..... p) Cannot afford school fees ..... i) Not interested in school .....
<b>Q21</b>	<b>Interviewer has to ask Child Workers about the type of jobs/tasks they perform at the workplace.</b>	<b>No. of Child Workers</b>  a) Preparation of Patterns ..... b) Design cutting on Butter paper ..... c) Pinning of butter paper designs on fabric ..... d) Embossing of designs on fabric ..... e) Design making on fabric ..... f) Touching/Finishing ..... g) Others .....

<b>Q22</b>	<b>Ask the Child Workers, how many hours/day, on an average, do they work?</b>	<p style="text-align: right;"><b>No. of Child Workers</b></p> <p><b>Less than 2hrs/day</b> .....  <b>2-4 hrs/day</b> .....  <b>4-6 hrs/day</b> .....  <b>6-8 hrs/day</b> .....  <b>8-10 hrs/day</b> .....  <b>10-12 hrs/day</b> .....  <b>More than 12 hrs/day</b> .....</p>
<b>Q23</b>	<b>Ask the Child Workers, Do they have any household/farming activity that they will return to?</b>	<p style="text-align: right;"><b>No. of Child Workers</b></p> <p><b>a) Yes</b> .....  <b>b) No</b> .....</p>
<b>Q24</b>	<b>For how many years, do the Child Workers have been working in this trade?</b>	<p style="text-align: right;"><b>No. of Child Workers</b></p> <p><b>a) &lt; 1 years</b> .....  <b>b) 1-2 years</b> .....  <b>c) 2-3 years</b> .....  <b>d) More than 3 years</b> .....</p>
<b>Q25</b>	<b>How many months in a year do the Child Work?</b>	<p style="text-align: right;"><b>No. of Child Workers</b></p> <p><b>a) &lt; 1 month</b> .....  <b>b) 1-3 months</b> .....  <b>c) 3-6 months</b> .....  <b>d) 6-9 months</b> .....  <b>e) Throughout 12 months</b> .....</p>

<b>Q26</b>	<b>How long have the Child Workers worked with the current employer?</b>	<b>No. of Child Workers</b>  a) 0-3 years ..... b) 3-5 years ..... c) Above 5 years .....
<b>Q27</b>	<b>Ask the Child Workers, How did the Child Workers find their jobs?</b>	<b>No. of Child Workers</b>  a) Through Agent ..... b) Through Parents ..... c) Self Application ..... d) Others .....
<b>Q28</b>	<b>Ask the Child Workers; Is the job difficult for them?</b>	<b>No. of Child Workers</b>  a) Yes ..... b) No .....
<b>Q29</b>	<b>Ask the Child Workers, Do they enjoy working?</b>	<b>No. of Child Workers</b>  a) Yes ..... b) No .....
<b>Q30</b>	<b>Ask the Child Workers, Whether the skills learnt in this job will help them later?</b>	<b>No. of Child Workers</b>  a) Yes .....

		b) No .....
<b>Purpose of Q 31 to 36 : To understand Wage Related aspects of Child Workers</b>		
<b>Q31</b>	<b>How much do the Child Workers earn per month?</b>	<b>No. of Child Workers</b>
		Rs. 500 .....
		Rs.501-1000 .....
		Rs.1001-1500 .....
		Above Rs.1500 .....
<b>Q32</b>	<b>Are they paid directly?</b>	<b>No. of Child Workers</b>
		a) Yes .....
		b) No .....
<b>Q33</b>	<b>If No, who receives their pay?</b>	<b>No. of Child Workers</b>
		c) Agent .....
		b) Parents/Siblings .....
<b>Q34</b>	<b>What is the criterion of calculating wage payment for Child Workers?</b>	<b>No. of Child Workers that are paid wages as per</b>
		c) Piece rate .....
		d) Fixed Wages .....
		c) Overtime (hourly basis) .....
<b>Q35</b>	<b>What other benefits do the Child Workers usually receive from their work?</b>	<b>No. of Child Workers getting</b>
		h) Medical assistance .....

		i) Education assistance ..... j) Food ..... k) Clothing ..... l) Free/subsidized housing ..... m) Transportation ..... n) Time off to attend school ..... o) None .....
<b>Q36</b>	<b>What do they usually do with their earnings?</b>	<div style="text-align: right;"><b>No. of Child Workers</b></div> h) Give all/part of money to parents ..... i) Pay school fees ..... j) Buy things for school ..... k) Buy things for household ..... l) Buy things for self ..... m) Save ..... n) Others .....
<b>Purpose of Q 37 to 48: To understand Freedom and Safety aspects at work place</b>		
<b>Q37</b>	<b>Do they return home daily?</b>	<div style="text-align: right;"><b>No. of Child Workers</b></div> c) Yes ..... b) No .....
<b>Q38</b>	<b>If no, where do they stay?</b>	
<b>Q39</b>	<b>Are the Child Workers allowed to leave work if they are ill or needed at home?</b>	<b>Tick at the option which majority of the Child Workers Say</b>  a) Always ..... b) Sometimes ..... c) Never .....



<b>Q40</b>	<b>Does the work allow any time for school?</b>	<b>No. of Child Workers</b>  a) Yes ..... b) No .....
<b>Q41</b>	<b>Did the Child Workers have any kind of illness/injury during the last year?</b>	<b>No. of Child Workers</b>  a) Yes ..... b) No .....
<b>Q42</b>	<b>Do the Child Workers have to carry heavy loads/operate heavy equipment at work?</b>	<b>No. of Child Workers</b>  a) Yes ..... b) No .....
<b>Q43</b>	<b>Are the Child Workers exposed to any of the following at work?</b>	<b>No. of Child Workers</b>  j) Dust & fumes ..... k) Fire, gas, flames ..... l) Loud noise, vibration ..... m) Extreme cold or heat ..... n) Work underground ..... o) Work at height ..... p) Insufficient ventilation .....
<b>Q44</b>	<b>Have the Child Workers ever been subject to any of the following at work?</b>	<b>No. of Child Workers</b>  e) Constantly shouted at ..... f) Repeatedly insulted ..... g) Beaten/Physically hurt ..... d) Sexually abused .....
<b>Q45</b>	<b>Have the Child workers ever thought of quitting their present job?</b>	<b>No. of Child Workers</b>  a) Yes .....

		b) No .....
Q46	If yes why?  If No, why not?	
Q47	What are the reasons that would prevent the Child Workers from quitting their job?	
Q48	If the Child workers did not have this job, how would they spend their time?	

## Questionnaire for NGOs

Date of Interview :

Place of Interview:

Interview Conducted by :

Q1	Type of organization	a) NGO b) International Organization c) government entity d) a union, e) an educator f) others
Q2	How long has your organization operated in India?	
Q3	Is your organization active in any other country?	a) Yes b) No
Q4	Where are your organization's operations in India?	
Q5	Does your organization focus on particular industries? If yes, Which ones?	
Q6	Does this industry or industries export?  What products?  To which markets?	a) Yes b) No
Q7	What are your organization's primary activities?	a) education b) rescue c) policy development d) others (specify)
Q8	How does your organization fund its operations? (In India versus elsewhere?)	

Q9	In your experience, how do children usually find work in the garment or embroidery industries?	a) bonded b) earn a living c) Run away d) Trafficked e) Parents send to work
Q10	Are there gender differences in the way these children find work or the work they do? If yes, explain	
Q11	Are there age differences in the way these children find work or the work they do? If yes, explain?	
Q12	In your experience, do the children generally leave school for work? Why? How frequent is this?	
Q13	In your experience, do the children quit working and return to school? Why? How frequent is this?	
Q14	If your's is a rescue organization, in your experience, how long do rescued children stay out of workforce?	
Q15	How long do they stay in school?	
Q16	In your experience, among the schools the children attend, what are those schools organized to teach?	
Q17	In your opinion, what would encourage children to stay in school?	

Q18	In your experience, how have the garment and embroidery industries responded to the local or national laws protecting child workers?	
Q19	Are laws protecting child workers understood?	a) Yes b) No
Q20	How are India's laws against child labor and forced labor enforced?	
Q21	Do you know any cases of a) Prosecutions of employers? Of others? b) Convictions? c) Penalties imposed? Are these actions effective? Why or why not?	
Q22	How has the textile/garment industry responded to laws protecting child workers?	
Q23	Are you familiar with the Welfare Funds?	
Q24	In your experience, are Welfare Funds effectively administered? How have you seen those funds used?	
Q25	Can you cite any best practices by employers, government, or social organizations to protect child workers?	

## Questionnaire for Teachers

**Date of Interview :**

**Interview Conducted by :**

**Place of Interview :**

Class      On roll      students

Q1	Full Name of the Teacher	
Q2	Gender	c) Male d) Female
Q3	Total years of teaching experience	
Q4	Approx. no. of students taught since beginning of your teaching career	
Q5	Do you think work at home adversely affect the child's :	<p><b>1 Attendance</b></p> <p>a) Yes b) No c) Cannot say</p> <p><b>2 Marks</b></p> <p>a) Yes b) No c) Cannot say</p> <p><b>3 Concentration</b></p> <p>a) Yes b) No c) Cannot say</p> <p><b>4 Attitude &amp; Behaviour towards</b></p>



		<b>other students</b>  a) Yes b) No c) Cannot say
Q6	Do you think if these children are not working, their performance will improve?	a) Yes b) No c) Cannot say

### Questionnaire for Labor Inspector

	Date of interview/ Time	
	Place	
	Interviewer	
1	Name and title of inspector	
2	Number of years in the position	
3	Prior experience	
4	What is the scope of your job?	
	<ul style="list-style-type: none"> <li>- Location</li> <li>- Industry or industries</li> <li>- Number of businesses (est)</li> <li>- Size of businesses (for example, factories, workshops, homes?)</li> <li>- Number of inspectors in your same location (est)</li> </ul>	
5	How do you decide which firms will be visited and on what schedule?	
6	How many garment factories are located in your region?	
7	a. How many garment manufacturing factories have you or your office inspected/visited in the last 30 days? b. Last 12 months?	
8	a. How many garment related (garment manufacturing or zari or embroidery) workshops have you or your office inspected/visited in the last 30 days? b. Last 12 months?	

9	<p>a. How many homes have you or your office inspected/visited in the last 30 days?</p> <p>b. Last 12 months?</p>	
10	<p>a. What other types of manufacturing facilities do you or your office inspect/visit?</p> <p>b. Garment manufacturing related inspections account for what percentage of the total inspections conducted each month/year?</p>	
11	<p>a. In the last month, over all industries, how many violations of child labor laws did you or your office find?</p> <p>b. How many of those violations involved facilities making garments or were related to garment manufacturing, such as zari or embroidery?</p>	
12	<p>In the last year, over all industries, how many violations of child labor laws did you or your office find?</p> <p>b. How many of those violations involved facilities making garments or were related to garment manufacturing, such as zari or embroidery?</p>	
13.	<p>a. Tell me what happened as a result of each of those violations involving garment related businesses.</p> <p>b. Was anyone arrested?</p> <p>c. Were fines issued? And if there were fines, in what amounts?</p>	

	<p>d. How are those fines set?</p> <p>e. Do those amounts act as a deterrent?</p> <p>f. Were the fines issued against individuals or against the factory or facility as a whole?</p> <p>g. Is any one ever jailed for violating the child labor laws?</p> <p>h. Are warnings ever issued instead of fines? Under what circumstances? How is a warning documented?</p>	
14.	<p>What about the children found working illegally? (homes/teashops/dhabas)</p> <p>a. What actions were taken with respect to those children?</p> <p>b. Were any actions taken against their parents because they were not in school?</p> <p>c. What follow-up steps are taken to ensure that the children do not go back to work?</p>	
15.	<p>a. Do you maintain a written log of all inspections/visits?</p> <p>b. Can you provide a listing of the dates and places inspected and the findings for each?</p>	
16.	<p>a. Do you maintain a record of prosecutions and convictions for violations of the laws against child labor? Of warnings?</p> <p>b. May we have copies?</p>	

17.	How many prosecutions involving garment related facilities result in convictions?	
18.	Has your inspection responsibility changed since India made primary education compulsory? How?	
19.	Are all inspections/visits unannounced or is prior notice ever provided? Please explain.	
20	Do you ever share information with or receive information from private sector inspectors associated with groups such as SGS, WRAP, or external agencies such as ILO? Please explain	
21	Do you ever encounter inspectors from the private sector while conducting factory reviews? If yes, which private sector organizations?	
22	Do you believe that your work inspecting factories, workshops and homes is an effective deterrent against child labor? Why or why not (e.g., resources? lack of authority? duplicity by the factories?)?	



## APPENDIX E





## APPENDIX F



## APPENDIX G



## APPENDIX H

### BRENDA A. JACOBS

Counsel

Washington, D.C.  
202.736.8149  
202.736.8711 Fax  
bjacobs@sidley.com

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#### PRACTICES

- International Trade/Arbitration
- Products Liability
- White Collar

#### AREAS OF FOCUS

- Antidumping, Countervailing Duties and Trade Remedies
- Climate Change
- Customs
- Economic Sanctions
- Environmental Regulation
- Export Controls
- FCPA/Anti-bribery
- Internal Investigations
- International Intellectual Property
- Market Access and Regulatory Barriers
- Products Liability Class Action Litigation
- Trade Policy and Negotiations
- WTO Disputes

#### ADMISSIONS & CERTIFICATIONS

- U.S. Court of International Trade
- U.S. Court of Appeals, Federal Circuit
- District of Columbia, 1980
- California, 1982

#### EDUCATION

- The George Washington University Law School (J.D., with honors, 1980)
- Cornell University (B.S., 1976)

BRENDA A. JACOBS provides strategic and legal guidance to multinationals, trade associations and governments on trade law and policy, compliance, negotiations, litigation, and legislation. She represents clients before the Office of the U.S. Trade Representative, the U.S. Department of Commerce, U.S. Customs and Border Protection, the U.S. Department of State, the U.S. Department of Labor, the Consumer Product Safety Commission and the U.S. Congress.

Among Ms. Jacobs' clients are: U.S. importers and retailers of consumer products, multinational manufacturers, and governments and industry associations.

Projects recently handled by Ms. Jacobs include: conducting an internal review on behalf of a brand doing business in China that was concerned about potential Foreign Corrupt Practices Act issues in connection with government enforcement measures against counterfeits, representing a coalition of ribbon retailers opposing an antidumping and countervailing duty petition against narrow woven ribbon made in China and Taiwan, advising on interpretation of and compliance with the Consumer Product Safety Improvement Act, coordinating Vietnam's bid for designation under the U.S. Generalized System of Preferences program, negotiating a compromise between U.S. importers and environmental interests on implementation of a plant declaration requirement established under the 2008 Farm Bill, securing

approval for a waiver of the competitive need limit for Indian-made carpets under the GSP program, overcoming a challenge to duty-free treatment for sleeping bags, obtaining a preliminary injunction in the U.S. Court of International Trade delaying the implementation of safeguard measures against U.S. imports of Chinese products, advising the Government of Colombia on legal issues arising during the negotiation of the U.S.-Colombia free trade agreement; assisting companies in identifying and reducing their exposure to antidumping and countervailing duties; conducting internal investigations; and advising firms on compliance with U.S. export controls, economic sanctions, anti-boycott rules and the FCPA.

Ms. Jacobs advised Vietnam's apparel industry during negotiation of the U.S.-Vietnam textile agreement and Vietnam's accession to the World Trade Organization. She also has worked on the development of best practices guidelines on internationally recognized labor rights.

Ms. Jacobs has extensive experience assisting U.S. and foreign manufacturers in meeting customs recordkeeping requirements and assists them in obtaining Customs rulings, preparing protests and responding to penalty proceedings, including intellectual property rights violations, and in drafting contracts, including vendor-purchaser and licensing agreements, and internal compliance programs. She also advises on rules of origin and valuation issues and on matters pending before the WTO, particularly the Dispute Settlement Body, assisting industries and governments in identifying viable claims and litigation strategies under WTO agreements.

Ms. Jacobs previously served as Senior Counsel for Trade Agreements at the U.S. Department of Commerce. She was one of the primary U.S. Government negotiators of the 1986 Protocol extending the Multifiber Arrangement. Before that, Ms. Jacobs was a legal advisor in the U.S. International Trade Commission's General Counsel's office, responsible for legal issues arising during the course of antidumping, countervailing duty, safeguard, and Section 337 (patent and trademark) investigations.

Ms. Jacobs writes on legal and trade issues for a number of industry publications and is a frequent speaker on current trade topics at seminars and conferences around the world.

### **Recognitions**

- Listed in *Chambers Global 2010* and *2011* as "a leader in the field" of International Trade, Asia-Wide
- Listed in *Best Lawyers in America*, International Trade and Finance Law, 2006, 2007, 2008, 2009, 2010
- Recipient of the Commerce Department's General Counsel's Award for Exceptional Performance, 1987

### **MEMBERSHIPS & AFFILIATIONS**

- Member, District of Columbia Bar Association, International Law Section (Steering Committee Member, Finance Officer)
- Member, Customs and International Trade Bar Association (Chair: Customs Committee, 2009)
- Member, Women in International Trade, Washington, D.C., Chapter (Board of Directors, 1992-93, President, 1991-92, Vice President, 1990-91)
- Member, International Compliance Professionals Association

## JANE O'DELL

### Independent Consultant/Technical Advisor

JANE O'DELL is an independent consultant and technical advisor on international trade and development matters, unaffiliated with Sidley Austin LLP, with a background in customs and trade compliance and extensive experience with multinational branded specialty retailers.

As an independent technical advisor and during her tenure with the international consulting firm of Nathan Associates, Inc., Ms. O'Dell has aided multiple projects funded by the U.S. Agency for International Development and the World Bank. For three and a half years, she served as the Chief of Party on a multi-million dollar project to aid the apparel industry of Cambodia, establishing a center for manufacturing productivity to improve the competitiveness of that industry, which is characterized by considerable challenges in turnover and labor union strife.

Ms. O'Dell and her husband also dedicated two years as Peace Corps volunteers, serving in San Ignacio, Belize, focused on rural community development.

Prior to her public service career, Ms. O'Dell was Vice President, International Trade, for Limited Logistics Services, Inc., managing the customs operations for The Limited. Before that, she served in a similar capacity, as Director, International Operations, for Eddie Bauer, Inc. In both positions, she was responsible for costing, vendor relations, government relations, and regulatory compliance. Earlier, Ms. O'Dell was with KPMG, an accounting and consulting firm, as a Senior Manager for International Trade & Customs, where she was responsible for advising clients on indirect tax issues and trade regulations.

Ms. O'Dell has a B.A. from the College of William and Mary, in Virginia, and is a licensed customs broker.